IMT Nuremberg Archives

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International Court of Justice

H0111-0002

Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany on 16 April 1946, 1000-1300, Lord Justice Lawrence presiding.

ALFRED ROSENBERG---resumed.

DIRECT EXAMINATION---continued.

BY DR. THOMA (counsel for Rosenberg):

Q Mr. Rosenberg, you were the plenipotentiary of the Fuehrer for the supervision of the entire spiritual and ideological education of the NSDAP and all its affiliated organizations. In that capacity, did you exert any influence on the law-making authorities in that connection?

A The Fuehrer spoke to me at one time and explained to me that as far as the leadership of a large movement of a state was concerned, three points of view had to be kept in mind; that there are men who, according to their nature, would meet problems on a basis of contemplated thought and he would have to select from whatever their thoughts would be--something that could be realized, and the other people would have the task to take the problem and the thoughts as they had been produced by the thinkers and to realize them in economic and stately ways. Then he listed my task in this sense and entrusted to me the supervision of education in such a sense, that in a comprehensive basis, because of my knowledge of the movement, I should take a definite and specific position. As far as the executive power and other powers were concerned, that was in the hands of the corresponding ministries; that is, the Ministry of Education, the Propaganda Ministry, and the entire representation of the Party was in the hands of the Party Chancellory. The Party Chancellory on occasion asked me to define my position to such and such a question but was not obligated to give my position any consideration except my views.

Q Mr. Rosenberg, did you have any influence on the school policies of the Nazi Party?

A I did not have any direct influence on the school system. The school system was a matter of the Reichserziehungsministerium--the

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Educational Ministry and the organization of the schools are not to be confused with the training of the Party and as far as the universities were concerned, that was the task for the corresponding ministry rather than mine.

Q There were National socialized educational centers. Can you tell me something about the centers and what was your function in that connection?

A There were so-called National socialized educational institutions. They were under the leadership and direction of the Educational Ministry and of the Reichsfuehrer SS Himmler. They were founded by Himmler, so that a dissident stratum would be trained and the inspection of these educational systems was centered in the Ministry of Education by special SS leaders.

Q Mr. Rosenberg, you are accused of religious persecution and especially as expressed in your "Myth of the 20th Century". Do you admit that as far as your attitude towards the church is concerned, that perhaps on occasion you were a little too critical and too severe?

A Of course, I must say that as far as traditional confessions were concerned, I uttered rather severe and critical judgments. I would like to emphasize in this connection, that in the introduction to my book, which I earmarked as a purely personal work, I gave my personal opinion only and that this book was not addressed to the church-going population and I also mentioned in my introduction that I did not have anything to do with propaganda, as is shown on page 120 of the document; and further, that I rejected a political attack in religious confessions by the State--all of these facts I expressed not only in the introduction but also in the book and I further rejected many proposals to have my book translated into foreign languages. A Japanese translation was submitted to me but I do not recall having given my approval for the translation.

Q Mr. Rosenberg, you were not trained in theological matters. Don't you believe that in some judgments as to theological questions, you were wrong?

A Naturally, I never assumed that this book of mine, which treated

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and dealt with many problems, was entirely without mistake or error. I was very grateful to receive counter-proposals to my book and made some corrections to it, but some attacks on my book I could not consider justified. I thought later that perhaps the work of mine would be revised at a later time.

Q Did you at any time use State Police measures against your theological and political opponents?

A No. I would like to state here that this work was published two and one-half years before the taking over of power and that any and all criticism from all sides were invited but much in the way of criticism came in after the taking over of power. I answered the attack on my book in two brochures but never at any time did I use the police to intimidate or in any way oppress my opponents.

Q Mr. Rosenberg, in the RSHA there was an office for the persecution of political churches. Did you have any connection with this department or office?

A I know only that co-worders of mine were in contact with many Party offices and departments and I know, of course, that they had connections and were in touch with the SS. Through this collaborator, I received many circular letters from churches and the circular letter of the Fulda Conference of Bishops and many more similar matters but these special arrests of some special church leaders did not come to my attention although, of course, later on I did find out that during the war some monasteries had been confiscated and their confiscation having taken place for state and political reasons.

I never was able to find out the political reasons involved in each and every case. I must mention that in the year 1935 the case was such that a bishop sent an official memorandum on to the State Leader of the province and asked him to prohibit me from making any speeches in that province. That, of course, did not take place but this church dignitary was not harmed either through me or any other department.

Q What was your attitude toward the churches in the eastern provinces?

A After the marching in of the German troops in the eastern territories the Wermacht of its own accord as far as religious freedom was concerned, reinstated religious freedom and when I was made Minister of the East through a special church tolerance edict at about the end of 1941 I established that religious freedom which existed under the Wehrmacht on an official, lawful basis.

Q The Prosecution has quite a number of documents at their disposal, most of them letters of the Leader of the Party Chancellory and on these they base their contention of religious persecution on your part.

I would like to have you tell me and to define your attitude as far as these documents are concerned. These documents have been submitted. They are number 107, 116, 122, 129 and 101, U.S.A. 351, U.S.A. 365.

THE PRESIDENT: Dr. Thoma, you are going too fast for us to get these numbers down. 107- PS, do you mean?

DR. THOMA: Yes.

THE PRESIDENT: Will you kindly say PS if you mean 107-PS,

DR. THOMA: Yes, I was going to add the U.S.A. Exhibit number, 107-Ps, 351-U.S.A.--

THE PRESIDENT: Well, I would rather have the PS number, if you will give me the PS number or whatever the numbers are as part of the exhibit number. 107-PS --

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DR. THOMA: Yes, 116-PS, 122-PS, 129-PS, 101-PS, 100-PS.

THE PRESIDENT: I did not get those after 129-PS.

DR. THOMA: 101-PS, 100-PS, 008, 064, 098, 073, 070.

THE WITNESS: The number 107 is being used by the Prosecution as proof of my persecution of the churches. This was a letter sent out by the Party Chancellory regarding the Reichsarbeitsdienst, (Reich Labor Service).

In this circular on page one it is decreed that the practice of religious observance is to be prohibited. I believe it was so decreed so that young people of a spiritual background who were brought into the Labor Service in this way would be prevented from participating in religious and spiritual debates.

On page 2 it says:

"As little as it is the affair of the Reichsarbeitsdienst to forbid its individual members to have a church wedding or funeral, so definitely must the Reichsarbetisdienst avoid taking part, as an organization, in a festival which is strictly religious, that is, which excludes Germans of other beliefs."

I consider this decree in strictest keeping with religious freedom for it meant that members of the Protestant faith could not be forced to attend a Catholic service and vice versa. I also felt that any members who did not prescribe to any religious denomination could not, on order of their organization, be forced to attend religious services. There, I cannot see that in this case we are concerned with religious persecution at all.

Document 116-PS concerns itself with a letter of the Leader of the Reichschancellory. It is sent to the Reich Minister for Science and Education. It is dated the 24th of January, 1939 This document was submitted to me for my acknowledgement.

It refers to correspondence between the two departments regarding the limitation of theological faculties at universities and it emphasized that the agreements or church concordats would have to be taken into consideration. Furthermore, a certain collaboration had to exist in the entire higher educational system as a comprehensive simplification was necessary.

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In conclusion, it states that newly established areas of research such as research into race and into ancient cultures were to be given special consideration. I could see that after six years of National Socialism new areas of research should be include and should have special consideration. I thought that they should have and I personally was interested in seeing that the areas of sociology and naturally the history of Germany and allied fields receive consideration.

The same applies to Document 122-Ps, dated April, 1939. I do not need to go into this in detail. It sets forth similar views. The views are set down by the Minister for Education and it emphasizes just what is to be done with theological faculties.

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Document 129-PS is a letter of the Reich Church Minister to a well-known German author, Dr. Stadl, who was especially interested in religious reform. In this document the Reich Church Minister presents the view as to having a community of religion which would affirm the National Socialist state and at the same time have the direct support of the Reich Church Minister.

In the preliminary interrogations a document of mine was submitted to me in this matter, a letter which I had written to the Party Chancellory and in which I expressed an opinion about the sessions of the Church Congress, I said that a National Socialist Minister of Churches did not have the task of calling for a community of religion and he would appear to be in the same position as that which holds true for me. If I had the intention of establishing a community of religion then I would have had to give up all my functions and activities in the Party. That can be traced back to a point of view which I represented. The Minister of Churches as a National Socialist member was obligated to help religion but to be independent of all religions and denominations.

Document 101-PS, which I am passing to now, is a letter from the leader of the Party Chancellory, at that time the Staatsleiter and Deputy of the Fuehrer, wherein it is complained that denominational writing could be used to paralyze resistance of troops and he asked my office or department to do something to this effect. My answer was not ready. I never did give any opinion but my opinion has always been that it was not my task to publish religious articles in my official capacity but that, of course, it was up to each individual who had something vital to say to put in writing.

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Now, Document 100-PS is an accusation of the then state leader and deputy of the Fuehrer Bormann to me that I had expressed an opinion to the Fuehrer that the Protestant Bishop Mueller had written a very fine book for German soldiers. Reichsleiter Bormann said that this book by Mueller was not appropriate because it could be considered as denominational propaganda. I do not believe that the accusation against me that I was agreeing with Mueller without reservation; that he was adding his voice in a reasonable manner, may be interpreted as persecuting.

The next document is a letter by Bormann, which he gave to me to take notice of. He told me that he talked to the then Reichsleiter Amann, and said that, because of the paper scarcity, religious writings, ten per cent of which had been decrees, should be further decreed and curtailed. I didn't know in what way the curtailment of all journals and magazines was done at that time, but I did find out that in the course of a war the publications about art, music, and allied fields was curtailed along with the rest of the magazines and journals in the German Reich.

Document 064-PS is a letter of the leader of the Party Chancellory, in which he reports to me about the letter of a Gauleiter about a writing of General von Rabenau about the spirit and soul of the soldier. This Gauleiter criticized the very traditionally bound opinion of General von Rabenau and he protested against the fact that this letter was published by the Party. In that connection I would like to say that this memorandum by General von Rabenau did appear in a series of articles which were published by my official department; and this letter was published without having been read. He had the occasion to deal with general subjects. I gave him the opportunity to voice his opinion, but I did not withdraw this letter from publication.

Document 098-PS contains a new accusation of the leader of the Party Chancellory to me. In this accusation he says that

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the Reichsbishop Mueller was telling the story that he had had instructions from me to set down basic principles for religious instruction in the schools. Mr. Bormann at great length says that it was not the task of the Party to act in a reformatory manner as far as religious instruction in the school is concerned. To this I would like to say the following. I gave no instruction to Reichsbishop Mueller and could not give him any instructions on this topic. But the Bishop visited me on two occasions, and on one occasion with tears in his eyes he told me that in his sphere of influence he had no special backing. I told him, "Your Excellency, you are a military pastor, and perhaps not generally known; It would be quite correct and apropos if you would write a literary work setting forth your views so that the various parts of the Evangelical Church might know your views; and in that way you can make your influence felt." Then Mueller probably made a few additions on this topic, as I had suggested to him. But I believe that the accusation made by Bormann is not true and cannot be construed as persecution of the churches on my part.

Document 075 is an extraordinarily severe circular letter by the Party Chancellory, setting forth the position of National Socialism and christendom, as seen from his point of view. As I remember, any of the following can be concerned in this. At one time I heard that Bormann had written to a Gauleiter and then sent copies to all Gauleiters. I asked him to give me official knowledge of this fact. After much hesitancy I received this letter. I received it in form. I did not consider it possible. I told Bormann--and I believe the letter I sent to him should be found in my records--that I did not consider it possible for a circular letter of that sort to be circulating. So that nothing could be overlooked, in my own handwriting I added that in my opinion the Fuehrer would not approve a circular letter of this sort. Then I spoke with Bormann about this personal matter and told him that each one of us had the right to define

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his position towards this problem, but official circulars, and especially in this form, were absolutely impossible in my opinion. After this conversation Bormann became greatly embarrassed and, as I just accidentally heard from Schirach, he also knew of this circular letter, and he further said that this was rescinded and declared null and void.

Mr. President, I would like to call the attention of the High Tribunal that I gave the number 075 to this document, but I wish to make a correction; it should be "D", as in "Denver", 75.

THE PRESIDENT: Wait a minute. What should it be?

THE WITNESS: D-75, rather than 075.

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THE PRESIDENT: It should be D-75?

THE WITNESS: Yes.

Document 072-PS is a letter of Bormann's to me in the matter of research into the libraries of monasteries confiscated by the state. As far as the political reasons and motives for this act are concerned, I was never told about that; but I did hear that the police was demanding to take over the research into this problem. This was a problem which brought about strong conflicts between Himmler and me in these years. I considered it completely impossible that now research was to be brought under police control and that motivated me. That is seen from Document 071. Bormann took exception to this view of mine.

Document 072 gives the answer of Bormann's to me, in which he points out that Heydrich was insisting on continuing this research and said, "The scientifice treating of an ideological antagonist can only be carried out in political and police positions." I considered this view absolutely impossible and I protested against it.

The statements I have just made are the most vital which I would like to make to this wealth of documents submitted to me. I rejected giving out religious writings or to publish catechisms through my office. I was always concerned with vehemence to represent what I considered to be a National Socialist position and view. But I did not consider my office a spiritual police office; but the fact existed that the Fuehrer had charged Bormann with the official representation as far as church policy was concerned.

My answer is lacking to all of these documents, and I do not recall whether I answered and replied to everything that was directed to me or whether I gave these answers and replies orally to Bormann. But since all of these answers are lacking, the Prosecution has stated that both of us, that is Bormann and I, had given instructions and decrees for religious persecution and had persuaded other Germans to participate in these religious persecutions.

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I would like to summarize and state as a basic principle that this was a problem of a thousand years duration between secular legislation and church power, and that many states had taken measure. The churches were always protesting. In recent years when we look at the laws of the French Government under the ministry of Compe, and when we look at the legal system of the Soviet Union, we see brochures and caricatures were given out.

Lastly, I would like to say that in all things, even with the police, that the National Socialist State--I know that even to the end more than seven million Marks were given to the churches by the State.

Q Witness, the Party Chancellory Leader Bormann in subsequent times was even more critical of you. What was the reason for the hostility between you and Bormann? Could it be that as far as church matters were concerned you were vastly more tolerant than Bormann himself? Could that be one of the reasons for your conflict with him?

A That is rather hard to say. It is difficult for me to say just which reason applied, but this hostility was very deep, and it was shown in the end in local problems. But I did not realize just how deep our enmity was until later, I must, of course, say that ina large movement many different temperaments and many different, divergent views may exist, and I did not except myself from having shortcomings and faults which would be criticized by others. I did not believe that differences of opinion could lead to a hostility of such proportions that it would bring about an undermining of the official position of the opponent, and that they would have to necessarily lead to that.

Q In the Third Reich, as far as religious services, especially on Sundays, were concerned, were these religious services limited in any way?

A I cannot tell you that at this moment. As far as I know, as far as religious sevices were concerned, it was never curtailed in Germany. It was never denied.

Q Now I am coming to the Einsatzsab,.to the Special Staff, and I am giving you Document 1,015. In this document the most vital problems are summarized, and I am referring to the document submitted by the French Prosecution, FA-1 in particular. How was it that this Einsatzstab, this Special Staff, was established?

A The Prosecution contends that we were concerned here with a plan of long

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range duration as far as the plundering of culteral treasures of other states was concerned, In reality the following was true:

We were dealing with a reason or decree which had not existed before. A collaborator of mine when the German troops marched into Paris, accompanied by a press delegation, noticed that Parisians were returning, with the exception of the Jewish population, so that all organization of this type was remaining behind and that the flats and living quarters of these leading personalities were unoccupied. He suggested that a matter of research into archives, and so forth should be instituted.

I reported to the Fuehrer on this fact and asked whether he wanted the carrying out of this suggestion and whether he could approve of it. This letter of mine to the Fuehrer was submitted to me in a preliminary interrogation but was not submitted to the High Tribunal by the Prosecution; even though the proof for the reason for this entire system is at hand, the Prosecution is still maintaining the idea of a long range plan.

The order of the Fuehrer came out in the beginning of June 1940 in connection with the other archives, and the safe keeping and the transporting of these objects of art was decreed by the Fuehrer.

Q Did you know as to which legal reasons Hitler believed to have had for these measures?

A Yes, and I would --

THE PRESIDENT: Just one minute. I don't understand what you are saying. Are you saying that you made a suggestion to the Fuehrer, and that there is proof of your letter making that suggestion and that the Prosecution are concealing that proof? Is that what you are saying? Will you answer that question? Are you suggesting that they are concealing a proof of the suggestion which you made to the Fuehrer for this scheme of taking away Jewish property from France?

THE WITNESS: Yes. I do not wish to say conceal, but I do wish to say that it was not submitted, even though it was shown to me in a preliminary hearing.

DR. THOMA: May I add at this point, Mr. President, I would like to point out that I repeatedly in my written proposals suggested that it would have to be brought forth, since it was submitted to my client in the priliminary hearings.

THE PRESIDENT: Have you made any application for the document to be produced?

DR. THOMA: Yes, Mr. President.

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THE PRESIDENT: When?

DR. THOMA: I made several requests.

THE PRESIDENT: Well, the Tribunal is quite unaware of having turned down any such request. Let me see the written request.

DR. THOMA: Yes.

THE PRESIDENT: It probably isn't a matter of very great importance. I only wanted to know what the witness was talking about.

DR. THOMA: Mr. President, I will send for my files.

THE PRESIDENT: Very well, you can go on in the mean time.

THE WITNESS: Of course it was clear that we were concerned with an extraordinary problem, an unusual problem, and I did not talk about this matter with the military administration but went directly to the Fuehrer so that I could get his opinion. But I believe it can be understood that we were interested in going into historical research as to different organizations and how these organizations had taken a position in this problem. Some very prominent personalities were working in this direction.

I remembered that many works of art, which in past times had been taken from Germany despite the agreement of 1815, had not been returned to Germany for many, many decades.

Finally, I remembered a measure which in 1914 to 1918 was recognized by the Allies through the Hague Convention. At that period a certain category of German citizens--that was the racial Germans abroad, foreign countries, occupied countries and colonies--their property was confiscated, and later they received no reparations, no compensations. The value of all of this confiscated property was 25 billion Reichsmarks.

In the peace dictates of Versailles, Germany was obliged to give assurance and to compensate these people who had property confiscated and to set up a special fund for this purpose.

The chief French Prosecutor declared that the Versailles Treaty was on the basis of the Hague Convention, and is resting on that basis. Therefore, I drew the conclusion that this measure against a certain category of citizens was taking place and was justified.

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During the preliminary hearing, I was asked about the legal hypotheses and started to point out the legal bases, but I was interrupted with the remark that we were not concerned with that problem at the time. In the record of this interrogation which the French prosecution presented here, it may be seen that I said yes --

THE PRESIDENT: We are not concerned with the interrogations until the interrogations are put in evidence. These interrogations haven't been put in evidence yet. You can give your explanations of them if they are put to you in cross examination.

THE WITNESS: Mr. President, this document, was referred to here and the German translation may be found, although not exactly verbatim, as a part of the French files.

DR. THOMA: Mr. President, the defendant wishes to say that from the beginning he pointed out that the Treaty of Versailles, Article 279, may be a legal parallel. He wanted to say that he did not invent that later on, but that he held that view right from the beginning.

THE PRESIDENT: Dr. Thoma, all I was pointing out to him was that the various interrogations which have taken place very likely are not in evidence. Of course, if he is referring to interrogations which have been put in evidence -- but is he?

DR. THOMA: Yes. This is FA-16. That was submitted, Mr. President.

THE WITNESS: The record of the other interrogations was not submitted, but this special --

THE PRESIDENT (Interposing): Just a moment. If he is referring to an interrogation which has been put in evidence, it must have an exhibit number.

DR. THOMA: I have the record in the document book, and it is known as FA-16.

THE PRESIDENT: If he is referring to an exhibit, no doubt he can do it.

THE WITNESS: I would like to rectify an error in translation. I did not say, "Yes, it is true I remember that this measure was taken," but I did say I thought of it, I contemplated it. That is to say, I had thought of it prior to that time, not at the moment.

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When I received the translation which I had not seen prior to that time, I saw that.

As far as Document 1058-PS is concerned, in order not to take up valuable time I would like to point to just a few vital spots in the report of 40-44. On page 2 it is referred to that the origin was determined, and on page 3 we see that the inventory taking was to be done in a scientific and conscientious manner, that a restoration shop was to be put up so that any damage was to be prevented.

At the end I would like to add this, because these words seem important to me since the Soviet prosecution has mentioned the treating of cultural objects by the Einsatzstab in the occupied countries of the East. The report stated, and I quote, under the title "Work in the Occupied Eastern Regions":

"The activity of the special staff was limited to a scientific and photographic reproduction of public collections, their safeguarding in collaboration with military and Soviet officers. Then, several hundred of the most valuable Russian icons, several hundred paintings of the 19th and 18th centuries, pieces of furniture, from castles, were put in safekeeping with the help of some troops, and they were brought to the Reich for safekeeping."

I wanted to point out by this that the Einsatzstab in the East did not transport any objects of art to the Reich, but when the areas were evacuated, as may be seen from the documents, these objects were transported, during battle, into the rear regions farther and farther back, and some of them were taken into the Reich for safekeeping.

From the same document I would like to point to a letter of the 5th of July 1942, a letter from the leader of the Reichschancellory. This document deals with the accusation by the Polish Government that the transporting of Polish works of art was concentrated in my special staff in Berlin. I will return to this special Polish accusation. I am just pointing to the paragraph in the letter which says that the Fuehrer had decreed that some libraries of the Eastern region were to be confiscated, but that the Government General was not included in that decree.

Furthermore, I would like to point to the decree of the Reichsminister for the occupied Eastern countries on the 20th of August 1941 to the Reichskommissar.

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DR. THOMA: What page?

THE WITNESS: Page 2 of this document. Toward the end it says --

THE PRESIDENT: What document are you talking about now? What document number?

THE WITNESS: I'm sorry, but the copy I have is not marked in red and I am referring to the document which I had at hand. I believe it is at the end of page 1 of Document 1015-PS. There is no special letter given. It is just a circular letter dated the 7th of April 1942.

THE PRESIDENT: I only want to get this clear. What I took down was that he was referring to a decree of the 20th of August 1941.

THE WITNESS: I beg your pardon. It is the 20th of August.

DR. THOMA: The 20th of August, that is correct, and the year is 1941. It is page 78 of Document Book 2, at the end of the page.

THE WITNESS: "I request that you specifically prohibit the removal of cultural goods of any kind from your Reich Comissariat by any agencies whatsoever without your approval. Everything of the seized cultural goods which remains in the Reich Commissariat Ostland and which may be eventually utilized for research work in the Higher School must come under a later regulation. I request that you inform your subordinated General and District Commissioners of this directive. The national administration of museums, libraries, etc., regardless of the right of inspection and inventory by the Special Purpose Staff, remains unaffected by this directive."

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Later, I would like to refer back to this quotation, regarding an accusation by the Soviet Prosecution as far as Esthonia and Lithuania are concerned.

BY DR. THOMA:

Q Let us pass to the next point.

A I have not finished, for I am accused most unfairly in this direction, and I would like to refer to a second directive for the Minister of the Occupied Eastern Territories, dated the 7th of April 1942, where, at the end, under I, the same principle I have just read is reiterated. It is in Document Book 2, page 94. Everyone is told not to take independent action.

Under II, it says verbatim -- and I quote:

"In special exceptional cases, immediate measures of securing or removal of items to a safe place can be carried out in order to evade danger threatening (e.g. danger of collapse of buildings, enemy action, climatic influences, etc.). In all cases, immediate written notification of my Special Purpose Staff must take place."

I should like to return to the accusation of the Soviet Government. When Document 076-PS was read, it said that there was never any directive for the securing of cultural good, but proofs do exist as I have just quoted two times.

Further, I would like to refer to a directive by the Reichminster for the Occupied Eastern Countries to the staff leader of the Einsatzstab. This is a document of the 3rd of October 1941. I again call his attention to the documents which I have just read.

Furthermore, I would like to call your attention to a decree of the Supreme Command of the Army in September of 1942, which was in agreement with the Reichminster for Eastern Occupied Countries. Here also it says at the end, under I,--

Q That is page 89 of the document book?

THE PRESIDENT: Which is that? September '42?

THE WITNESS: The 30th of September.

THE PRESIDENT: Yes, I have got that. What about the one of October '41? Where is that?

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THE WITNESS: October '41?

THE PRESIDENT: October '41.

THE WITNESS: That was the 3rd of October 1941.

THE PRESIDENT: Do you know where it is, Dr.Thoma?

DR. THOMA: It is contained in Document 1015-PS, which is USA-85, but it may be that this document is not listed. In my document I cannot locate it at present, but it belongs to 1015-PS which was submitted in its entirety.

THE WITNESS: And the order of the 30th of September 1942 says, under I:

"Disregarding exceptional cases, in which the safeguarding of endangered works of culture is urgent, its place of temporary location is to be sought on the spot. For this purpose, according to the mutual agreement between the Supreme Command of the Army General Staff of the II/G on. Qu. and the Special Purpose Staff of Reichsleiter Rosenberg, the following authorities have been granted to the latter:

"c. To conceal or to safeguard in the operational area of the East for the protection against damage or destruction, also such works of culture which do not fall under paragraph b, especially art treasures of museums."

At the end of this directive, it says, under IV:

"Independent from the missions of the Special Purpose Staff of Reichsleiter Rosenberg according to Section I, a, b, c, the troops and all military units located in the operational area are immediately to be notified to preserve if possible valuable art monuments and to save them from destruction or damage."

I believe I am obligated and duty-bound to prove, but very briefly, that as far as my Special Purpose Staff and the military office were concerned, unequivocal directives and orders were issued for the protection of valuable art objects, even in these bitter battles, the objects of art of the Polish, Ukranian, and White Ruthenian people.

BY DR. THOMA:

Q Mr. Rosenberg, do you know that Hitler and Goering received some of the objects pf art which were concentrated in France? What was your part?

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A In general, the Fuehrer had decreed, and this order was transmitted by Keitel; and it was pointed out that the Fuehrer would decide alone, himself, that he would make the decision.

I do not wish to dispute in any way that I had the hope that a large part of these objects of art would remain in Germany, since, in the course of time, many German cultural works of art had been destroyed by bombing attacks, especially in the West. These works of art were to be a basis for later negotiations.

Reichsmarshal Goering supported the work of the Special Purpose Staff, on the special directive of the Fuehrer, and when a number of these works of art were earmarked by Goering for his collection, I was, I must say frankly--as it says in the record--a little uneasy, because, with this directive, I had a certain responsibility. I had signed my name, and I had taken over responsibility for the confiscated objects. I was, therefore, obligated to catalog them in their entirety, to save them, and to have them ready for a final disposition. Therefore, I directed my deputy to make a complete list of those things which the Reichsmarshal, at the approval of the Fuehrer, was taking for his collection.

I knew that Reichsmarshal Goering intended to give this collection to the German Reich and not to keep it as part of his private inheritance.

In the record which was produced and read by the French prosecution, I must say that there is a regrettable error to be found. It says that I had been uneasy because Reichsmarshal Goering had taken these works of art. In German, the term "entwendent" used means "unjustly" or "illegally" or "embezzled". However, what I said was "verwendent", which means "utilized", and there is a difference.

DR. THOMA: Mr. President, I would like to call to your attention the fact that the French used the work "detourne", which means "embezzled".

THE PRESIDENT: The Tribunal will adjourn now.

(A recess was taken)

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BY DR. THOMA:

Q I now turn to the Action Moebel, in France, and for that purpose I am showing the defendant document 001, in volume 2 of the French document book, and I am asking the defendant to state his views.

(The document was submitted to the witness.)

A The document 001-PS contains, at the beginning, information to the effect that in the East the accommodation problem and conditions had been so dreadful that I was asking for consideration as to whether unoccupied Jewish flats in France, and parts of their equipment, should be used for that purpose. This suggestion was taken up by the Chief of the Reich Chancellery on the 31st of September, 1941, and conceded in a decree issued by order of the Fuehrer.

In the course of the increasing bombardment in Germany I considered that I no longer could take responsibility for this, and thus I made a suggestion that this furniture should be placed at the disposal of bombing victims in Germany--which amounted to more than 100,000 people in certain towns--so that first help would be given to them.

In the report of Action M in the French document book, it states, in the 7th paragraph, how the confiscation was carried out: that these deserted apartments were sealed; that they remained sealed for a lengthy period, so that any possible claims were waited for, and that only then was the transport of the articles to Germany carried out.

I am aware here that this, no doubt, must have been serious interference with private property, but here again, in connection with previous thoughts, I had thought of the homeless millions of Germans.

I want to emphasize in this connection that I was well informed regarding the fact that, in a book of considerable size, flats, their owners, and the main contents in the way of furniture, had been laid down in detail, so that, at a later date, there would be a basis for any possible negotiations.

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In Germany the matter was handled in such a way that those people who suffered damage through bombing, with regard to these furnishings which were placed at their disposal, and household goods as well, had to pay for them, and these supplies made to them were deducted from the claims which they had against the state. That money was paid into a special fund administered by the minister of finance.

The document here--001-PS--contains under No. 2 a suggestion which I myself consider a serious implication against me. This is a suggestion that on the strength of four murders committed against Germans in France not only Frenchmen should be shot as hostages, but that Jewish citizens also were to be held responsible. I should like to say that these shootings of hostages, since they were to be announced locally, were considered by me as being justified in a war under certain special circumstances, since the fact that the armed forces were carrying out such things appeared to me to be the result of a natural legal investigation, particularly since these things were taking place in the territory and with reference to a state with which the German Reich had signed an armistice.

Secondly, this happened during a period of excitement, due to the war which had just broken out with the United States of America, and there were thoughts of the report from the Polish Ambassador, Count Potowski, dated the 30th of January, 1939, which the Tribunal has forbidden to be read.

In spite of that, I must say that this suggestion is considered by me to be a personal injustice and recognized as such, but that looking at it from the legal point of view I would like to point out that in the document 1015-PS, under letter Y, there is a letter from the chief of the Reichschancellery, which is dated December 31, 1941, and in which it says in a note for the files, dated 18 December 1941:

"This has been reported to the Fuehrer. The Fuehrer has concerned himself with the suggestion under 1 and has stated his principal agreement. A copy of that part of the file note will deal with the use of Jewish furniture, and it has been submitted to the chief of the supreme command of the armed forces and the Reich Commissioner for the occupied Netherlands,

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together with a letter attached hereto in copy."

In this manner, as far as point 1 is concerned, this has been accepted, and it has been silently though emphatically stated that point 2, with reference to the suggestion, is turned down, which means that the whole suggestion had no legal consequences. Later on I referred again to this suggestion, and I must say that I had forgotten all about it until it was put before me once again.

Q I now turn to the subject "Minister for the Occupied Eastern Territories". The Defendant is anxious that he may define his attitude to Molotov's note that he, the Defendant, was a Czarist spy, since this affects his personal character. I therefore ask the Defendant whether he has at any time had connection to the Czarist police.

A No.

GENERAL RUDENKO: Mr. President, in the Indictment which has been presented to the Defendant Rosenberg no point incriminates him of having been a Czarist spy. Therefore, we consider that this question is irrelevant

DR. THOMA: The Molotov reports have been submitted to the Tribunal, and in that way they have been introduced in evidence. Consequently, I think that I may be permitted to put that question.

THE PRESIDENT: He has answered in the negative already, so you can pass from it, can't you? It has formed no part of the Indictment.

DR. THOMA: Yes.

BY DR. THOMA:

Q When did you learn that you had been appointed minister for the occupied eastern territories or that you were proposed for this position, and what reasons were given you for having the task given to you?

A May I state in connection with this that at the very beginning of April, as far as I can remember it was the 2nd of April, 1941, the Fuehrer called me in the morning and explained to me that he regarded a military clash with the Soviet Union as unavoidable. The reasons he quoted were two: firstly, the military occupation of Rumanian territory--that is to say, Bessarabia and North Bucovina; and, secondly, the long existing considerable increase in the strength of the Red Army along the

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line of demarcation and in Soviet Russian territory altogether. These matters, he said, were so clear that he had given the corresponding military orders and that in every shape and form did he want to include me as a military advisor. Thus I was facing an accomplished fact, and any attempt even to discuss the matter was countered by the Fuehrer with the remark that the orders had been given and that nothing could be altered in the matter, so that I consequently told the Fuehrer in that case I wish the best of luck to the German armed forces and I am at your disposal for this political advice which you desire.

Immediately afterwards I called a meeting of my nearest officials, since I didn't know whether the military events would be taking place very soon or later on. We discussed the possible treatment of the political problems and possible measures which may have to be taken in connection with the territories to be occupied in the east. We made a number of drafts, which have been submitted in this courtroom, and on the 20th of April I received a temporary task, which was the forming of a central department for the treatment of the eastern questions and the order to get into touch with the corresponding leading departments in the Reich in the matter.

Q The instructions which were given to the defendant Rosenberg after he was nominated--which he drafted, rather--I should like to submit them to the Defendant. And I have yet another request to the Tribunal These instructions appear in their photostatic copy as being crossed out and bearing a number of remarks, and I have the request therefore that the Tribunal would take personal cognizance of the photostatic copies so that it can be seen how these instructions have been crossed out. I think the actual documents have been submitted to the Tribunal.

A May I refer to these documents--1017, 1029 --

THE PRESIDENT: They have already been put in evidence?

DR. THOMA: Yes, they have been put in.

Q May I ask you, Defendant, to state the exhibit numbers.

A I had just mentioned the PS number.

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Q What is the USA number?

A There is 1028, which has the USA number 273; whereas document 1030 has the USA number 144. The other documents do not seem to have a USA number.

Q 1017 is USA 142; 1028 is USA 213; 1029 is USA 105; and 1030 is USA 144.

A In addition I should like to state --

Q They are contained in the special document book for the Defendant Rosenberg.

A I state in this connection that these are provisional drafts, and according to a statement which is contained in the upper left-hand corner they originate from the end of April to the beginning of May. These provisional drafts did not go out at all, but as they are now crossed out and bear certain written remarks in the margin they contain statements regarding those points which were later on not passed by the Fuehrer. So that for that reason alone, particularly referring to the Ukraine, they couldn't have been sent out.

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The actual first instructions which went out to the Reich Commissars in the Eastern Countries and the Ukraine, after the Ministry for the Occupied Eastern Territories had been formed, are unfortunately not available. They haven't been found so that unfortunately I cannot refer to them.

Q On the 20th of July 1941, that is to say, one day before the outbreak of the war against Russia, you have made a speech regarding all these, concerning the Eastern problems. I am sure you have extracts from that speech. It is 1058-PS, USA 147.

THE PRESIDENT: 1058, was it?

DR. THOMA: Yes.

THE WITNESS: This is a document from which the prosecution has quoted one single paragraph repeatedly and this is a lengthy impromptu speech made before those who were interested in Eastern problems and who had been given corresponding parts and I would like to state in that connection, that it was my obvious duty to reflect on which political measures would have to be suggested so as to avoid that the German Reich would every twenty-five years have to fight for its existence in the East and I should like to say, and emphasize before I go any further, that the matters which have been stated by me in a confidential speech do not correspond in any way with the statements made by the Soviet Prosecution; namely, that I was in favor of a systematic liquidation of the Slavic peoples.

I do not wish to occupy the Tribunal's time by reading too much but perhaps I may read some paragraphs to justify myself. It says in paragraph 2:

"Originally, Russian history was an entirely continental affair. 200 years they lived under the yoke and they were predominantly turning to the East. The Russian traders and hunters have gone to the East as far as the Urals; some have gone to Siberia and the colonization of Siberia is no doubt one of the greatest deeds of the history of the world." I think that this might underline my attitude of respect towards that historic achievement in the East. The next paragraph states: "This means the aim of Germany is the freedom of the Ukrainian people. This must be made a political point of our program. In what form and to what extent a Ukrainian State can be formed later, that is something which one cannot discuss now. In that connection,

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great care must be employed; the literature regarding Ukrainian struggles must be cultivated so that the consciousness of the Ukrainian people regarding the history can be revived. A university could be founded in Kiev; technical high schools should be constructed. The Ukrainian language should be furthered."

I have quoted this so that by means of a document, I can prove that it was not my intention to destroy the culture of these peoples in the East.

In the following paragraph, I have pointed out that it was important, considering that there were 40 million people in the Ukraine, that in the course of the years, they should voluntarily cooperate and that should be gained for the purpose.

In the following paragraph, I refer to the eventual occupation of the Caucasian territories and this is the verbatim quotation: "It would be the end of this solution to create a Caucasian National State. One will have to find another solution which can be brought about with Germany to that extent, that these people may ask Germany to support their cultural and national existence and security." Here, too, the wish for their destruction cannot be found.

Then comes the point which has been raised by the American Prosecution and has been described as a particularly serious incriminating factor. It is the so-called colonization and the German property abroad. This paragraph is worded as follows:

"Quite apart from all these problems, there is the question which is of an equally general nature and which we must all think about; namely, the question of the German national property; German national characteristics in that area have worked for hundreds of years. The result of that work, amongst others, is considerable real estate property. The property confiscated in the Baltic countries can be compared with the size of East-Prussia; the entire real estate area of the Black Sea was as great at Wuerttemberg, Baden and Alsace together. In the Black Sea area more land was cultivated than there was ploughed up in Great Britain. These comparisons must make it clear to us that the Germans there have not been idle or have exploited the nation but that they have done creative work and the outcome,

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the result of that work is German National Property, without any reference to any earlier individual owners. Just how that may one day be compensated, that cannot yet be mentioned but starting here, a legal basis will be and can be created."

I wish to quote this so that later on, when we deal with the agricultural subjects, particularly in the commissar area in the East where, in spite of these thoughts, the 700-year German property which was not reinstituted but handed to the Estonians and Lithuanians by law, must be referred to.

In a later paragraph it states: "We must declare in this connection that we are not enemies of the Russian people ---

THE PRESIDENT: Are you still reading from 1058-PS?

THE WITNESS: Yes. I continue to quote the following paragraph: "We must declare in this connection, that we are not by any means enemies of the Russian people. We, all of us, who knew the Russians earlier, knew that the individual Russian as a person is an extremely pleasant and cultured person who has not got the same character and backing as the Western Europeans do. "The fight for a reorganization, and continue openly in the sense of a national self determination of the peoples."

I shall save the Tribunal from listening to the end. I shall come to that in detail verbally. I made that speech fully convinced that after my introductory remarks which I had made to the Fuehrer about the subject, that he must have agreed in principle. I did not know, and he did not tell me, that other military and police orders had gone out, otherwise it would have been practically impossible for me -- and particularly in Heydrich's presence, who was there --- to make a speech which appeared to be contrary to the tendencies Himmler and Heydrich held, as we heard them from the documents here; and as far as the point is concerned, which has been quoted by the prosecution from this document, I have to say the following: From amongst men working in the Four Year Plan, I gathered from that, from the events of an occupation of the industrial region and in the event of far-reaching destruction through battle, large-scale industries could not possibly continue to work but that one might have to rely on a number of key-industries -- that, by necessity, would mean considerable unemployment.

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In addition to that it was not clear how considerable the requirements for market goods would be in the East and what the general food situation would be and what might have to be done due to the blockade and in the interests of German food supplies. This was the prerequisite for the remark that under certain circumstances an increased evacuation of Russian territories might be necessary where the industrial workers might become increasingly unemployed and in connection therewith I should state at once that I am referring to the document 1056, which contains the first directives from the Ministry for Eastern Affairs and which deals in particular with food supplies for the population and which was made a particular duty for the Reich commissars.

Q On July 17, 1941 and by decree of the Fuehrer you were appointed to the Reich Minister for the Administration of Newly Occupied Territories. On the preceding day there was a conference between Hitler, Keitel, Goering and Lammers, during which you stated your program of administration. I refer to the document L-221, U.S.A. Exhibit 317. It is on page 123 in Rosenberg's document book two -- page 123.

A This document, which appears to refer to a summary record taken by Bormann, has, of course, been read in this Court four or five times. During that meeting I had actually not intende to state a large scale program, this meeting having actually been called for the purpose of resolving the wording of the intended Fuehrer decree, referring to the administration of the occupied territories and for the purpose of giving all persons concerned the possibility to state their views on that subject.

I was, apart from that, considerably occupied with a number of personal questions which I was going to report to the Fuehrer. I was surprised, therefore, when the Fuehrer passionately and at considerable length commenced to make a lengthy statement and made a number of unsuspected statements to me regarding the policy to be employed in the East. I was under the impression that the Fuehrer himself was under the influence of the unsuspectedly strong rearmament on the part of the Soviet Union and the hard struggle which

was going on against the Red Armies. That apparently was the cause for some of the statements made by the Fuehrer to which I may perhaps refer at the end.

In the presence of the other witnesses I countered the unsuspected statements of the Fuehrer and talked against them and perhaps I may read from the record the following passages which have not been read out from the original document on page four:

"Reichsleiter Rosenberg emphasizes that in accordance with his views the Kommissariat would carry out a different treatment of the population. In the Ukraine we would have to take care of the culture. We must revise the historical conscienscе of the Ukraine and found a university at Kiev and the like. The Reich Marshall makes the counter-statement that we have to think first of securing our food situation, everything else could come much later.

"(Incidental question: Is there still anything like an educated class in the Ukraine, or are upper-class Ukrainians rather to be found only as emigrants outside present day Russia?)

"Rosenberg continues that there were certain independence movements in the Ukraine which deserved promotion."

Then follows on page five a quotation of the intentions of the Fuehrer, where it says, and I quote:

"At the same time the Crimea, including a considerable hinterland, situated north of the Crimea, should become Reich territory; the hinterland should be as large as possible.

"Rosenberg complains about this because of the Ukrainians living there.

"(Incidental question again from Bormann: It has appeared to me several times that Rosenberg has a soft spot for the Ukrainians, thus he desires to enlarge the former Ukraine to a considerable extent."

Thus there is evidence that I have argued on the side of th strengthening of the knowledge which I had and tried to persuade the Fuehrer to agree to the same points which I made in my speech

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on the 20th of January, 1941, before the heads of the service departments concerned.

The further contents of the document prove that the Reich Marshal in particular was interested in appointing the former Gauleiter Koch and that I opposed this candidate since I was afraid that Koch, in accordance with his temperament, might quickly disobey my directives being as far removed from the Reich as he would be. But, in connection with that request I could not have known that Koch by disobeying my directives would go as far as occurred later on and I should

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like to end right now, in considerably furthering the interests of the Party Chancellory.

Towards the end on page ten of the document, of the record, there appears a passage which has not been read, which I am now quoting. It is a lengthy discussion regarding the jurisdiction of the Reichsfuehrer SS.

"Obviously at the same time the participants have in mind the jurisdiction of the Reich Marshal."

I personally wish to add that this is a very personal remark made by the head of the Party Chancellory and not by any means an actual record, an actual minute of the meeting.

I quote further:

"The Fuehrer, the Reich Marshal and others reiterate that Himmler was to have no greater jurisdiction than he had in Germany proper but this was absolutely necessary."

These minutes show that this was a rather temperamental discussion since not only during that conference but also before I had opposed the thought that the police were to have a legally independent executive authority in the occupied territories and were to be independent from the civil administration. I also spoke against the existing wording of the Fuehrer decree which had already been prepared. I did not find any support for my thoughts from anyone present and that is the explanation for the later developments and the wording of the decree which was signed on the following day by the Fuehrer which dealt with the entire administration in the occupied eastern territories.

Q On the 16 of July you were appointed Minister for the Eastern Territories and at the same time there were other appointments and the question now arises what was your jurisdiction and the extent of your activities. I refer to document 1997, page 46, Rosenberg volume two.

A May I refer you to paragraph two which deals with the appointment of the Eastern Ministry and paragraph three, which states as follows:

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"Military sovereign rights and powers are exercised by the commanders of the armed forces in the newly occupied Eastern territories in accordance with my decree of 25 June, 1941. The powers of the Commissioner for the Four Year Plan in the newly occupied Eastern territories, according to my decree of 29 June, 1941, and those of the Reichsfuehrer SS and Chief of the German Police according to my decree of 17 July 1941, are subject to special ruling, and are not affected by the following regulations."

In Article 6 it states:

"At the head of each Reichskommissariat will be a Reich Commissioner--" and then come detailed remarks stating at the end that the Reich Commissioners and the General Commissioners will be appointed by the Fuehrer personally and that consequently they could not be given leave by me or relieved of their post.

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Article 7 rules that the Reich Commissioners will be responsible to the Reich Minister and will receive instructions exclusively from him in cases where Article 3 is not applicable; that is the Paragraph 3 which refers to the Commanders of the Armed Forces and the Chief of the German police.

Article 9 states that the Reich Commissioners are responsible for the entire administration of their civilian territory. I quote the following paragraph:

"As long as military operations are in progress, the entire railway and postal arrangements must be under the jurisdiction of the ministries concerned."

Article 10 states that it is the duty of the Reich Minister of the Occupied Eastern Territories, who is quoted as being a resident in Berlin, to, in the interest of the Reich, coordinate his wishes to those of other supreme authorities in the Reich; and that, in the event of differences of opinion, a decision from the Fuehrer must be sought.

I need not quote the Fuehrer Decree to the Commanders of the Armed Forces to the Tribunal since it is sufficiently clear what we are concerned with, nor the decree regarding the powers of the plenipotentiary for the Four Year Plan, dated the 29th of June '41, in which it is stated that the plenipotentiary for the Four Year Plan, that is Reichmarshall Goering, has jurisdiction over all civilian and military departments and can given them instructions on matters of decisive importance. However, for the judgment of the entire legal suggestions in this connection and the consequences which arose from that later on, is the decree of the Fuehrer regarding the security to be achieved by the police in the Eastern Territories of July 17, 1941. It says under I as follows, and I quote:

"The police security in the newly occupied Eastern Territories is a matter for the Reichsfuehrer SS and Chief of the German Police."

This Paragraph I without any limits rules on the entire security situation in the Eastern Territories which come under the jurisdiction of the Reichsfuehrer SS, who in that manner, next to the Reichminster of occupied Eastern Territories and alongside of the plenipotentiary for the

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Four Year Plan, becomes the third independent central department and independent of the Reich in Berlin, with the result that the Ministers for Eastern Territories in his ministry did not have a Security or a Police Department in Berlin nor could he instal one.

Under II it states that the Reichsfuehrer SS is authorized, apart from the obvious instructions he would give to his police, to issue directives to the civilian Reich Commissioners directly and that he is instructed that orders of politically great significance should transmitted through the Ministers for the Eastern Territories, being then that it concerned prevention of an immediate threat and danger. This worry gave the practical possibility to the Reichsfuehrer of the SS to make his own decision as to whether he considered it of political importance or not and when his orders with reference to prevention of any threats were concerned.

Paragraph III is of considerable importance, since the quotation of Document 1056, on page 2,058 of the German record of the proceedings, have indicated to the Tribunal that there must be the impression that the Minister for Eastern Territories had units of the SS under his command in Eastern Territories. On the other hand, it appears from Paragraph I, which I have just quoted, that this is incorrect. But, in spite of that, a wording which is often used in connection with the powers of the SS has led to this misunderstanding: and this is mentioned under III of the Police Security Decree, and I quote as follows:

"For the carrying out of police security each Reich Commissioner will be joined by a senior SS and Police Leader who will directly and personally subordinate to the Reich Commissioner. Leaders of the SS and the Police will be attached to the general commissioners, the chief and the area commissioners, who will be subordinated to them directly and personally."

Dr. Lammers, who had the task of drafting this decree, had replied, upon being asked, that the reason why this wording was chosen was that they meant that the civilian Reich Commissioner could give instructions to the police in political matters, but that the choice of the wrds "personally and immediate subordinate" indicated that the actual giving

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of orders was exclusively a matter for the Chief of the German Police. And, as far as I know, Himmler insisted particularly strongly in this wording since it gave the impression to the outside and to the population that the Reich commissioner was achieving a certain unified administration, whereas, even legally and in practice, the power to issue orders bypassed the civilian administration and arrangements existed between Heydrich and the General

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Quartermaster of the Army, which are facts which I heard for the first time during this trial. Just how these matters developed and just how orders and powers for the replies were worded, I only heard here.

The other decrees deal with the Reichskommissariat themselves, and I don't believe that I need quote them to the Tribunal. They are merely the continuation and consequences of the former decree. I should merely like to refer to the Lammers' decree of the 9th of February 1942, which refers to industry and armament. I point out that, due to later wishes stated by other authorities in the Reich, the departments for technique and propaganda which had existed in the Eastern Ministry were transferred from there and attached to the corresponding ministries. This was done in a way that Minister Speer used his representatives in the Kommissariat and liaison officers just as the transport minister stated that propaganda instructions had to be issued by the Minister for Eastern Territories; whereas, in practice, the matters were left to the Minister for Propaganda.

DR. THOMA: I think you should have to be a little briefer.

THE PRESIDENT: Yes, the Tribunal hopes you will.

Q The most important thing in the whole matter is the juridiction of the Police Leader and the SS, in addition to that, your relationship to the general plenipotentiary for labor. What was the channel of subordination in this connection? Was Sauckel entitled to give you instructions?

A The authority the plenipotentiary for the Four Year Plan had received from the Fuehrer are clear-cut; and the Fuehrer Decree of the 21st of March.

THE PRESIDENT: The question was :" Was Sauckel entitled to give you instructions?" You began to tell us about the Four Year Plan. I am sure you can answer that question directly.

A (Continuing) The general plenipotentiary for the employment of labor had the right to give instructions to all authorities in the Reich, and that included the Minister for the occupied Eastern Territories.

Q That's enough. Were you entitled to tell the Reich Commissioner Koch that the quotas of laborers which were required could no longer be fulfilled, yes or no?

A I couldn't do that as easily as that since the plenipotentiary for

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labor had been given very definite quotas by the Fuehrer, and when these quotas appeared too large to me -- and that was always the case -- I would approach the general plenipotentiary and his representatives and have conferences together with the representatives of the Eastern Military Ministry so as to reduce the figures to a bearable size; and the reduction of these quotas did, in fact, succeed during many such conferences.

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In spite of that, however, the quotas were very high indeed.

MR. DODD: This defendant continues to make a speech. The question was very simple. He was asked whether he was entitled to tell the Reich Commissioner Koch that the quotas of laborers which were required could not be filled. He has now had three minutes, and I'm sure that he will take 30 minutes if he's allowed to go on. He should be kept to all elements surrounding that question.

BY DR. THOMA:

Q Witness, I must emphasize Mr. Dodd's suggestion. I have asked you whether you were entitled to tell the Reich Commissioner Koch that the quotas of laborers which were required could not be filled. Will you please answer yes or no?

A The answer, in that case, is no.

Q Did you, nevertheless, do so on one occasion, that he should use his rights and his powers? Yes or no?

A Yes, I did that in a letter to the General Plenipotentiary for Labor and the document has been presented in court. It is dated December 1942, and in that letter, it was my duty to draw his attention to a number of events and I requested him urgently to do what he could so that these events which had occurred would cease.

Q May I ask you to refer to this question of labor very briefly on the strength of the available documents. They are documents which have been presented by the United States. 016-PS, 017-PS, 018-PS, 015-PS, 014-PS, 204-PS, 265-PS, and 031-PS. And I think you can be brief about all these documents since you are talking about your own affairs.

THE PRESIDENT: Are they in the document book?

DR. THOMA: They are in the USA document book. The special document book Rosenberg. The document 016-PS is contained therein.

THE WITNESS: It is a letter from the General Plenipotentiary dated the 24th of April, and addressed to me, in which he states his program. It has been referred to by the Prosecution repeatedly, and I would like to refer you to two points which refer to it.

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It states in this program under Prisoners-of-War and Foreign Laborers verbally:

"To us Germans, it has always been a matter of course that as far as the beaten enemy is concerned, who has been our hardest and toughest opponent but who has been captured, that we must refrain from any cruelty and unnecessary difficulties. We must treat them correctly and humanly, even if we must expect from him a reasonable output."

And then it says, on page 13, in paragraph 5:

"For the Russian campaign too, and for that reason, there must be the greatest care that the principles of German cleanliness, orderliness, and hygiene are observed."

That, as far as I was concerned, was the decisive point. And this principle of the German plan was agreed to by me. And from that agreement arises my letter 018-PS, dated the 21st of December 1942.

Q It is document book Rosenberg, Page 64, Volume II.

A I have formerly explained the letter, that I am stating therein my agreement to the solution of the Eastern workers problem and I state that we, Sauckel and myself, observe the German principles. That is in reference to the points of the program which have been quoted.

I further stated that in spite of the principles, a number of events occurred which caused me to draw his attention to wrongful methods.

On page 2 I am complaining that in accordance with reports received at the Eastern Ministry certain sick barracks and camps which were to be installed for sick Eastern workers for their rehabilitation before returning to their own country had not lived up to the expected conditions and that the Eastern Ministry did, in turn, turn to the Reich Commissioner in Eastern Territories.

After that, in Page 3, with reference to the quotas, as far as the Eastern occupied territories were concerned, I had requested, with all emphasis, that any actions should be excluded in recruiting the quotas which would have serious results and consequences which might some day be held against myself and other officials. In order to achieve this end

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and to bring into agreement the peculiarities of the Eastern territories, I have empowered the Reich Commissioner for the Ukraine, insofar as necessary, to make use of his rights and to see to it that methods which run contrary to the interest of the conduct of the war and war economy in the occupied East be abolished.

Q Were you aware of the fact that at the same time that these methods were discontinued the workers demands could not be supplied?

A I could not assume that as easily as that since I knew also, that at the beginning, when the problem came into play concerning rather large numbers of recruits from the country, that a legal basis existed and that the Reich Commissioner had further provisions from that light.

May I very briefly refer to the other documents quoted by the Prosecution, 054-PS? That's a criticism regarding conditions which have been reported by officers of the Ministry of Eastern Affairs, by the Army

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Group South, and which reached me. It is very severe criticism and I shall refer to page 1 of the letter where it says, that with few exceptions, the Ukrainians in the Reich are working on their own in handicraft, farms, in agriculture, or as household employees, and that they are very satisfied with their conditions, but they complain about the type of shelter they have in collective camps."

This reports the attempt to exert an influence in Germany, it's where I, the Eastern Minister, could not normally give any instructions and there was the attemp to comply with the points raised during that time regarding workers in Eastern territories.

The document 084 refers to a number of complaints and measures about the improvements of the situation in which the members of the families of the workers found themselves and the Ministry of Eastern Affairs is asked to deal with these matters speedily. It refers to a question of pay, a question of taxes, but I don't think I need make a detailed statement. All these questions will be referred to by the General Plenipotentiary for labor. He merely referred these reports to me and I was active in trying to improve the situation. I should like to have, in this situation, a working agreement between us according to which Eastern workers who were returning to their homes were to receive an allotment of land so that they did not suffer any disadvantage over those who had remained in their own home land.

In document 204, complaints can be found regarding insufficient allowances to which I need not refer in detail and to which I am merely allowing myself to draw to the attention of the Tribunal.

Document 265 is a report from the General Commissioner at Zhitomir in the Ukraine in which he informs us of the fact that the general plan of labor prisoners, and through his travels in Eastern territories, had pointed out the serious situation in the labor and that he had transmitted and carried out the orders from the Fuehrer. Also, that these quotas must be placed at the disposal of the Reich Commissioner and that he had no choice but to call on certain workers even by means of the support of the police or the local authorities which had been appointed.

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This document 031-PS appears to me personally to be of particularly great importance since the prosecution has stated, with reference to that document, that I am accused of having collaborated in the planning and carrying out of the biological weakening of the Eastern peoples. And reference is made to my agreement, which is supposed to be stated at the end of this document.

Only the first and last words of this document have been quoted, and I must ask the Tribunal to take cognizance of the true situation, and that I may inform them of it.

At the beginning of the document it states that the Minister for Eastern occupied territories, with reference to this problem--and after he had once turned down the suggestion that youthful persons should be transferred to the Reich-- would once more state his opinion and refer to special conditions and prerequisites. In the actual record it states that Army Group Center had the intention, considering that a large number of youthful persons were already working there, and because they were not being taken care of, of returning these youths and taking care of them in a proper manner.

On page 2 of the document it states that the Minister was afraid that this action might have political repercussions and that it would be considered as the kidnapping of children. He, therefore, wanted the action to be considerably limited for those reasons.

Under point 4 it states that if the Eastern Minister could not support that action and help carry it out, then theArmy Group Center--which, of course, was in no way subordinate to the Eastern Minister -- would carry out the action on their own.

However, this Army Group was addressing itself to the Eastern Ministry particularly because, in their opinion -- and I am quoting -- "the guarantee for a correct political and permament treatment would thus be assured. The Army Group would like to see this action carried out under the easiest possible conditions. These children should, if possible, be accommodated in villages, in groups, or accommodated in small camps. Later on, from there, they were to be placed at the disposal of handicraft and business concerns."

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Then, later on, it states: "In the event of a reoccupation of the territory, the Eastern Ministry can then return theseyouths, who would then cooperate with their parents in the reconstruction of that territory, which would surely be a positive political factor."

At the end it states, "Under these conditions the Minister for Eastern Affairs has agreed to take care of these youths." I agreed, because I was conscious of

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the fact that I was, wherever possible, going to be able to use the Youth Department of the Eastern Ministry, which would, in turn, guarantee the greatest possible care for these children.

I want to add that on one occasion I made a journey and visited a large works at Dessau, where 400,000 youthful workers were employed, and where a separate children's camp was in existence, under the care of White Ruthenian mothers. I could ascertain that these youthful workers were wearing the best possible clothes, that they were being taught mathematics and languages by Russian teachers, and that the children's camp had a kindergarten which was looked after by Russian welfare workers, who, in turn, were looked after by the Hitler Youth. In the course of the day, the woman who was looking after that camp was thanking me, with tears in her eyes, for this humane care which was being accorded to them.

I would like to point out a phonetic error which has appeared in this record. This city, as I said, was Dessau, and not Odessa, as is stated in the record. I never visited Odessa in all my life.

DR. THOMA: Mr. President, we have finished the labor problem, and I am coming to the Reich Commissariat; perhaps this would be a suitable moment to go into recess.

THE PRESIDENT: Can you indicate to the Tribunal how long you are likely to be with your examination?

DR. THOMA: I am of the opinion that we may be through by 4:30.

THE PRESIDENT: Four-thirty this afternoon?

DR. THOMA: Three-thirty. However, the defendant Rosenberg is shaking his head, and therefore I can't tell you for certain.

THE PRESIDENT: Well, the Court will recess until five minutes past two.

(A recess was taken until 1405 hours.)

H0111-0047

Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany on 16 April 1946, 1000-1300, Lord Justice Lawrence presiding.

ALFRED ROSENBERG---resumed.

DIRECT EXAMINATION---continued.

BY DR. THOMA (counsel for Rosenberg):

Q Mr. Rosenberg, you were the plenipotentiary of the Fuehrer for the supervision of the entire spiritual and ideological education of the NSDAP and all its affiliated organizations. In that capacity, did you exert any influence on the law-making authorities in that connection?

A The Fuehrer spoke to me at one time and explained to me that as far as the leadership of a large movement of a state was concerned, three points of view had to be kept in mind; that there are men who, according to their nature, would meet problems on a basis of contemplated thought and he would have to select from whatever their thoughts would be---something that could be realized, and the other people would have the task to take the problem and the thoughts as they had been produced by the thinkers and to realize them in economic and stately ways. Then he listed my task in this sense and entrusted to me the supervision of education in such a sense, that in a comprehensive basis, because of my knowledge of the movement, I should take a definite and specific position. As far as the executive power and other powers were concerned, that was in the hands of the corresponding ministries; that is, the Ministry of Education, the Propaganda Ministry, and the entire representation of the Party was in the hands of the Party Chancellory. The Party Chancellory on occasion asked me to define my position to such and such a question but was not obligated to give my position any consideration except my views.

Q Mr. Rosenberg, did you have any influence on the school policies of the Nazi Party?

A I did not have any direct influence on the school system. The school system was a matter of the Reichserziehungsministerium--the

H0111 - 0048

Educational Ministry and the organization of the schools are not to be confused with the training of the Party and as far as the universities were concerned, that was the task for the corresponding ministry rather than mine.

Q There were National socialized educational centers. Can you tell me something about the centers and what was your function in that connection?

A There were so-called National socialized educational institutions. They were under the leadership and direction of the Educational Ministry and of the Reichsfuehrer SS Himmler. They were founded by Himmler, so that a dissident stratum would be trained and the inspection of these educational systems was centered in the Ministry of Education by special SS leaders.

Q Mr. Rosenberg, you are accused of religious persecution and especially as expressed in your "Myth of the 20th Century". Do you admit that as far as your attitude towards the church is concerned, that perhaps on occasion you were a little too critical and too severe?

A Of course, I must say that as far as traditional confessions were concerned, I uttered rather severe and critical judgments. I would like to emphasize in this connection, that in the introduction to my book, which I earmarked as a purely personal work, I gave my personal opinion only and that this book was not addressed to the church-going population and I also mentioned in my introduction that I did not have anything to do with propaganda, as is shown on page 120 of the document; and further, that I rejected a political attack in religious confessions by the State--all of these facts I expressed not only in the introduction but also in the book and I further rejected many proposals to have my book translated into foreign languages. A Japanese translation was submitted to me but I do not recall having given my approval for the translation.

Q Mr. Rosenberg, you were not trained in theological matters. Don't you believe that in some judgments as to theological questions, you were wrong?

A Naturally, I never assumed that this book of mine, which treated

H0111-0049

and dealt with many problems, was entirely without mistake or error. I was very grateful to receive counter-proposals to my book and made some corrections to it, but some attacks on my book I could not consider justified. I thought later that perhaps the work of mine would be revised at a later time.

Q Did you at any time use State Police measures against your theological and political opponents?

A No. I would like to state here that this work was published two and one-half years before the taking over of power and that any and all criticism from all sides were invited but much in the way of criticism came in after the taking over of power. I answered the attack on my book in two brochures but never at any time did I use the police to intimidate or in any way oppress my opponents.

Q Mr. Rosenberg, in the RSHA there was an office for the persecution of political churches. Did you have any connection with this department or office?

A I know only that co-worders of mine were in contact with many Party offices and departments and I know, of course, that they had connections and were in touch with the SS. Through this collaborator, I received many circular letters from churches and the circular letter of the Fulda Conference of Bishops and many more similar matters but these special arrests of some special church leaders did not come to my attention although, of course, later on I did find out that during the war some monasteries had been confiscated and their confiscation having taken place for state and political reasons.

I never was able to find out the political reasons involved in each and every case. I must mention that in the year 1935 the case was such that a bishop sent an official memorandum on to the State Leader of the province and asked him to prohibit me from making any speeches in that province. That, of course, did not take place but this church dignitary was not harmed either through me or any other department.

Q What was your attitude toward the churches in the eastern provinces?

A After the marching in of the German troops in the eastern territories the Wermacht of its own accord as far as religious freedom was concerned, reinstated religious freedom and when I was made Minister of the East through a special church tolerance edict at about the end of 1941 I established that religious freedom which existed under the Wehrmacht on an official, lawful basis.

Q The Prosecution has quite a number of documents at their disposal, most of them letters of the Leader of the Party Chancellory and on these they base their contention of religious persecution on your part.

I would like to have you tell me and to define your attitude as far as these documents are concerned. These documents have been submitted. They are number 107, 116, 122, 129 and 101, U.S.A. 351, U.S.A. 365.

THE PRESIDENT: Dr. Thoma, you are going too fast for us to get these numbers down. 107- PS, do you mean?

DR. THOMA: Yes.

THE PRESIDENT: Will you kindly say PS if you mean 107-PS,

DR. THOMA: Yes, I was going to add the U.S.A. Exhibit number, 107-PS, 351-U.S.A.--

THE PRESIDENT: Well, I would rather have the PS number, if you will give me the PS number or whatever the numbers are as part of the exhibit number. 107-PS --

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DR. THOMA: Yes, 116-PS, 122-PS, 129-PS, 101-PS, 100-PS.

THE PRESIDENT: I did not get those after 129-PS.

DR. THOMA: 101-PS, 100-PS, 008, 064, 098, 073, 070.

THE WITNESS: The number 107 is being used by the Prosecution as proof of my persecution of the churches. This was a letter sent out by the Party Chancellory regarding the Reichsarbeitsdienst, (Reich Labor Service).

In this circular on page one it is decreed that the practice of religious observance is to be prohibited. I believe it was so decreed so that young people of a spiritual background who were brought into the Labor Service in this way would be prevented from participating in religious and spiritual debates.

On page 2 it says:

"As little as it is the affair of the Reichsarbeitsdienst to forbid its individual members to have a church wedding or funeral, so definitely must the Reichsarbetisdienst avoid taking part, as an organization, in a festival which is strictly religious, that is, which excludes Germans of other beliefs."

I consider this decree in strictest keeping with religious freedom for it meant that members of the Protestant faith could not be forced to attend a Catholic service and vice versa. I also felt that any members who did not prescribe to any religious denomination could not, on order of their organization, be forced to attend religious services. There, I cannot see that in this case we are concerned with religious persecution at all.

Document 116-PS concerns itself with a letter of the Leader of the Reichschancellory. It is sent to the Reich Minister for Science and Education. It is dated the 24th of January, 1939 This document was submitted to me for my acknowledgement.

It refers to correspondence between the two departments regarding the limitation of theological faculties at universities and it emphasized that the agreements or church concordats would have to be taken into consideration. Furthermore, a certain collaboration had to exist in the entire higher educational system as a comprehensive simplification was necessary.

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In conclusion, it states that newly established areas of research such as research into race and into ancient cultures were to be given special consideration. I could see that after six years of National Socialism new areas of research should be include and should have special consideration. I thought that they should have and I personally was interested in seeing that the areas of sociology and naturally the history of Germany and allied fields receive consideration.

The same applies to Document 122-Ps, dated April, 1939. I do not need to go into this in detail. It sets forth similar views. The views are set down by the Minister for Education and it emphasizes just what is to be done with theological faculties.

H0111-0052

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Document 129-PS is a letter of the Reich Church Minister to a well-known German author, Dr. Stadl, who was especially interested in religious reform. In this document the Reich Church Minister presents the view as to having a community of religion which would affirm the National Socialist state and at the same time have the direct support of the Reich Church Minister.

In the preliminary interrogations a document of mine was submitted to me in this matter, a letter which I had written to the Party Chancellory and in which I expressed an opinion about the sessions of the Church Congress, I said that a National Socialist Minister of Churches did not have the task of calling for a community of religion and he would appear to be in the same position as that which holds true for me. If I had the intention of establishing a community of religion then I would have had to give up all my functions and activities in the Party. That can be traced back to a point of view which I represented. The Minister of Churches as a National Socialist member was obligated to help religion but to be independent of all religions and denominations.

Document 101-PS, which I am passing to now, is a letter from the leader of the Party Chancellory, at that time the Staatsleiter and Deputy of the Fuehrer, wherein it is complained that denominational writing could be used to paralyze resistance of troops and he asked my office or department to do something to this effect. My answer was not ready. I never did give any opinion but my opinion has always been that it was not my task to publish religious articles in my official capacity but that, of course, it was up to each individual who had something vital to say to put in writing.

H0111-0054

Now, Document 100-PS is an accusation of the then state leader and deputy of the Fuehrer Bormann to me that I had expressed an opinion to the Fuehrer that the Protestant Bishop Mueller had written a very fine book for German soldiers. Reichsleiter Bormann said that this book by Mueller was not appropriate because it could be considered as denominational propaganda. I do not believe that the accusation against me that I was agreeing with Mueller without reservation; that he was adding his voice in a reasonable manner, may be interpreted as persecuting.

The next document is a letter by Bormann, which he gave to me to take notice of. He told me that he talked to the then Reichsleiter Amann, and said that, because of the paper scarcity, religious writings, ten per cent of which had been decrees, should be further decreed and curtailed. I didn't know in what way the curtailment of all journals and magazines was done at that time, but I did find out that in the course of a war the publications about art, music, and allied fields was curtailed along with the rest of the magazines and journals in the German Reich.

Document 064-PS is a letter of the leader of the Party Chancellory, in which he reports to me about the letter of a Gauleiter about a writing of General von Rabenau about the spirit and soul of the soldier. This Gauleiter criticized the very traditionally bound opinion of General von Rabenau and he protested against the fact that this letter was published by the Party. In that connection I would like to say that this memorandum by General von Rabenau did appear in a series of articles which were published by my official department; and this letter was published without having been read. He had the occasion to deal with general subjects. I gave him the opportunity to voice his opinion, but I did not withdraw this letter from publication.

Document 098-PS contains a new accusation of the leader of the Party Chancellory to me. In this accusation he says that

H0111-0055

the Reichsbishop Mueller was telling the story that he had had instructions from me to set down basic principles for religious instruction in the schools. Mr. Bormann at great length says that it was not the task of the Party to act in a reformatory manner as far as religious instruction in the school is concerned. To this I would like to say the following. I gave no instruction to Reichsbishop Mueller and could not give him any instructions on this topic. But the Bishop visited me on two occasions, and on one occasion with tears in his eyes he told me that in his sphere of influence he had no special backing. I told him, "Your Excellency, you are a military pastor, and perhaps not generally known; It would be quite correct and apropos if you would write a literary work setting forth your views so that the various parts of the Evangelical Church might know your views; and in that way you can make your influence felt." Then Mueller probably made a few additions on this topic, as I had suggested to him. But I believe that the accusation made by Bormann is not true and cannot be construed as persecution of the churches on my part.

Document 075 is an extraordinarily severe circular letter by the Party Chancellory, setting forth the position of National Socialism and christendom, as seen from his point of view. As I remember, any of the following can be concerned in this. At one time I heard that Bormann had written to a Gauleiter and then sent copies to all Gauleiters. I asked him to give me official knowledge of this fact. After much hesitancy I received this letter. I received it in form. I did not consider it possible. I told Bormann--and I believe the letter I sent to him should be found in my records--that I did not consider it possible for a circular letter of that sort to be circulating. So that nothing could be overlooked, in my own handwriting I added that in my opinion the Fuehrer would not approve a circular letter of this sort. Then I spoke with Bormann about this personal matter and told him that each one of us had the right to define

H0111 - 0056

his position towards this problem, but official circulars, and especially in this form, were absolutely impossible in my opinion. After this conversation Bormann became greatly embarrassed and, as I just accidently heard from Schirach, he also knew of this circular letter, and he further said that this was rescinded and declared null and void.

Mr. President, I would like to call the attention of the High Tribunal that I gave the number 075 to this document, but I wish to make a correction; it should be "D", as in "Denver", 75.

THE PRESIDENT: Wait a minute. What should it be?

THE WITNESS: D-75, rather than 075.

H0111-0057

THE PRESIDENT: It should be D-75?

THE WITNESS: Yes.

Document 072-PS is a letter of Bormann's to me in the matter of research into the libraries of monasteries confiscated by the state. As far as the political reasons and motives for this act are concerned, I was never told about that; but I did hear that the police was demanding to take over the research into this problem. This was a problem which brought about strong conflicts between Himmler and me in these years. I considered it completely impossible that now research was to be brought under police control and that motivated me. That is seen from Document 071. Bormann took exception to this view of mine.

Document 072 gives the answer of Bormann's to me, in which he points out that Heydrich was insisting on continuing this research and said, "The scientifice treating of an ideological antagonist can only be carried out in political and police positions." I considered this view absolutely impossible and I protested against it.

The statements I have just made are the most vital which I would like to make to this wealth of documents submitted to me. I rejected giving out religious writings or to publish catechisms through my office. I was always concerned with vehemence to represent what I considered to be a National Socialist position and view. But I did not consider my office a spiritual police office; but the fact existed that the Fuehrer had charged Bormann with the official representation as far as church policy was concerned.

My answer is lacking to all of these documents, and I do not recall whether I answered and replied to everything that was directed to me or whether I gave these answers and replies orally to Bormann. But since all of these answers are lacking, the Prosecution has stated that both of us, that is Bormann and I, had given instructions and decrees for religious persecution and had persuaded other Germans to participate in these religious persecutions.

H0111 - 0058

THE PRESIDENT: It should be D-75?

THE WITNESS: Yes.

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H0111-0059

I would like to summarize and state as a basic principle that this was a problem of a thousand years duration between secular legislation and church power, and that many states had taken measure. The churches were always protesting. In recent years when we look at the laws of the French Government under the ministry of Compe, and when we look at the legal system of the Soviet Union, we see brochures and caricatures were given out.

Lastly, I would like to say that in all things, even with the police, that the National Socialist State--I know that even to the end more than seven million Marks were given to the churches by the State.

Q Witness, the Party Chancellory Leader Bormann in subsequent times was even more critical of you. What was the reason for the hostility between you and Bormann? Could it be that as far as church matters were concerned you were vastly more tolerant than Bormann himself? Could that be one of the reasons for your conflict with him?

A That is rather hard to say. It is difficult for me to say just which reason applied, but this hostility was very deep, and it was shown in the end in local problems. But I did not realize just how deep our enmity was until later. I must, of course, say that ina large movement many different temperaments and many different, divergent views may exist, and I did not except myself from having shortcomings and faults which would be criticized by others. I did not believe that differences of opinion could lead to a hostility of such proportions that it would bring about an undermining of the official position of the opponent, and that they would have to necessarily lead to that.

Q In the Third Reich, as far as religious services, especially on Sundays, were concerned, were these religious services limited in any way?

A I cannot tell you that at this moment. As far as I know, as far as religious sevices were concerned, it was never curtailed in Germany. It was never denied.

Q Now I am coming to the Einsatzsab, to the Special Staff, and I am giving you Document 1,015. In this document the most vital problems are summarized, and I am referring to the document submitted by the French Prosecution, FA-1 in particular. How was it that this Einsatzstab, this Special Staff, was established?

A The Prosecution contends that we were concerned here with a plan of long

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range duration as far as the plundering of cultural treasures of other states was concerned, In reality the following was true:

We were dealing with a reason or decree which had not existed before. A collaborator of mine when the German troops marched into Paris, accompanied by a press delegation, noticed that Parisians were returning, with the exception of the Jewish population, so that all organization of this type was remaining behind and that the flats and living quarters of these leading personalities were unoccupied. He suggested that a matter of research into archives, and so forth should be instituted.

I reported to the Fuehrer on this fact and asked whether he wanted the carrying out of this suggestion and whether he could approve of it. This letter of mine to the Fuehrer was submitted to me in a preliminary interrogation but was not submitted to the High Tribunal by the Prosecution; even though the proof for the reason for this entire system is at hand, the Prosecution is still maintaining the idea of a long range plan.

The order of the Fuehrer came out in the beginning of June 1940 in connection with the other archives, and the safe keeping and the transporting of these objects of art was decreed by the Fuehrer.

Q Did you know as to which legal reasons Hitler believed to have had for these measures?

A Yes, and I would --

THE PRESIDENT: Just one minute. I don't understand what you are saying. Are you saying that you made a suggestion to the Fuehrer, and that there is proof of your letter making that suggestion and that the Prosecution are concealing that proof? Is that what you are saying? Will you answer that question? Are you suggesting that they are concealing a proof of the suggestion which you made to the Fuehrer for this scheme of taking away Jewish property from France?

THE WITNESS: Yes. I do not wish to say conceal, but I do wish to say that it was not submitted, even though it was shown to me in a preliminary hearing.

DR. THOMA: May I add at this point, Mr. President, I would like to point out that I repeatedly in my written proposals suggested that it would have to be brought forth, since it was submitted to my client in the preliminary hearings.

THE PRESIDENT: Have you made any application for the document to be produced?

DR. THOMA: Yes, Mr. President.

H0111-0061

THE PRESIDENT: When?

DR. THOMA: I made several requests.

THE PRESIDENT: Well, the Tribunal is quite unaware of having turned down any such request. Let me see the written request.

DR. THOMA: Yes.

THE PRESIDENT: It probably isn't a matter of very great importance. I only wanted to know what the witness was talking about.

DR. THOMA: Mr. President, I will send for my files.

THE PRESIDENT: Very well, you can go on in the mean time.

THE WITNESS: Of course it was clear that we were concerned with an extraordinary problem, an unusual problem, and I did not talk about this matter with the military administration but went directly to the Fuehrer so that I could get his opinion. But I believe it can be understood that we were interested in going into historical research as to different organizations and how these organizations had taken a position in this problem. Some very prominent personalities were working in this direction.

I remembered that many works of art, which in past times had been taken from Germany despite the agreement of 1815, had not been returned to Germany for many, many decades.

Finally, I remembered a measure which in 1914 to 1918 was recognized by the Allies through the Hague Convention. At that period a certain category of German citizens--that was the racial Germans abroad, foreign countries, occupied countries and colonies--their property was confiscated, and later they received no reparations, no compensations. The value of all of this confiscated property was 25 billion Reichsmarks.

In the peace dictates of Versailles, Germany was obliged to give assurance and to compensate these people who had property confiscated and to set up a special fund for this purpose.

The chief French Prosecutor declared that the Versailles Treaty was on the basis of the Hague Convention, and is resting on that basis. Therefore, I drew the conclusion that this measure against a certain category of citizens was taking place and was justified.

H0111-0062

During the preliminary hearing, I was asked about the legal hypotheses and started to point out the legal bases, but I was interrupted with the remark that we were not concerned with that problem at the time. In the record of this interrogation which the French prosecution presented here, it may be seen that I said yes --

THE PRESIDENT: We are not concerned with the interrogations until the interrogations are put in evidence. These interrogations haven't been put in evidence yet. You can give your explanations of them if they are put to you in cross examination.

THE WITNESS: Mr. President, this document, was referred to here and the German translation may be found, although not exactly verbatim, as a part of the French files.

DR. THOMA: Mr. President, the defendant wishes to say that from the beginning he pointed out that the Treaty of Versailles, Article 279, may be a legal parallel. He wanted to say that he did not invent that later on, but that he held that view right from the beginning.

THE PRESIDENT: Dr. Thoma, all I was pointing out to him was that the various interrogations which have taken place very likely are not in evidence. Of course, if he is referring to interrogations which have been put in evidence -- but is he?

DR. THOMA: Yes. This is FA-16. That was submitted, Mr. President.

THE WITNESS: The record of the other interrogations was not submitted, but this special --

THE PRESIDENT (Interposing): Just a moment. If he is referring to an interrogation which has been put in evidence, it must have an exhibit number.

DR. THOMA: I have the record in the document book, and it is known as FA-16.

THE PRESIDENT: If he is referring to an exhibit, no doubt he can do it.

THE WITNESS: I would like to rectify an error in translation. I did not say, "Yes, it is true I remember that this measure was taken," but I did say I thought of it, I contemplated it. That is to say, I had thought of it prior to that time, not at the moment.

H0111-0063

When I received the translation which I had not seen prior to that time, I saw that.

As far as Document 1058-PS is concerned, in order not to take up valuable time I would like to point to just a few vital spots in the report of 40-44. On page 2 it is referred to that the origin was determined, and on page 3 we see that the inventory taking was to be done in a scientific and conscientious manner, that a restoration shop was to be put up so that any damage was to be prevented.

At the end I would like to add this, because these words seem important to me since the Soviet prosecution has mentioned the treating of cultural objects by the Einsatzstab in the occupied countries of the East. The report stated, and I quote, under the title "Work in the Occupied Eastern Regions":

"The activity of the special staff was limited to a scientific and photographic reproduction of public collections, their safeguarding in collaboration with military and Soviet officers. Then, several hundred of the most valuable Russian icons, several hundred paintings of the 19th and 18th centuries, pieces of furniture, from castles, were put in safekeeping with the help of some troops, and they were brought to the Reich for safekeeping."

I wanted to point out by this that the Einsatzstab in the East did not transport any objects of art to the Reich, but when the areas were evacuated, as may be seen from the documents, these objects were transported, during battle, into the rear regions farther and farther back, and some of them were taken into the Reich for safekeeping.

From the same document I would like to point to a letter of the 5th of July 1942, a letter from the leader of the Reichschancellory. This document deals with the accusation by the Polish Government that the transporting of Polish works of art was concentrated in my special staff in Berlin. I will return to this special Polish accusation. I am just pointing to the paragraph in the letter which says that the Fuehrer had decreed that some libraries of the Eastern region were to be confiscated, but that the Government General was not included in that decree.

Furthermore, I would like to point to the decree of the Reichsminister for the occupied Eastern countries on the 20th of August 1941 to the

Reichsk ommissar.

H0111-0064

DR. THOMA: What page?

THE WITNESS: Page 2 of this document. Toward the end it says --

THE PRESIDENT: What document are you talking about now? What document number?

THE WITNESS: I'm sorry, but the copy I have is not marked in red and I am referring to the document which I had at hand. I believe it is at the end of page 1 of Document 1015-PS. There is no special letter given. It is just a circular letter dated the 7th of April 1942.

THE PRESIDENT: I only want to get this clear. What I took down was that he was referring to a decree of the 20th of August 1941.

THE WITNESS: I beg your pardon. It is the 20th of August.

DR. THOMA: The 20th of August, that is correct, and the year is 1941. It is page 78 of Document Book 2, at the end of the page.

THE WITNESS: "I request that you specifically prohibit the removal of cultural goods of any kind from your Reich Comissariat by any agencies whatsoever without your approval. Everything of the seized cultural goods which remains in the Reich Commissariat Ostland and which may be eventually utilized for research work in the Higher School must come under a later regulation. I request that you inform your subordinated General and District Commissioners of this directive. The national administration of museums, libraries, etc., regardless of the right of inspection and inventory by the Special Purpose Staff, remains unaffected by this directive."

H0111-0065

Later, I would like to refer back to this quotation, regarding an accusation by the Soviet Prosecution as far as Esthonia and Lithuania are concerned.

BY DR. THOMA:

Q Let us pass to the next point.

A I have not finished, for I am accused most unfairly in this direction, and I would like to refer to a second directive for the Minister of the Occupied Eastern Territories, dated the 7th of April 1942, where, at the end, under I, the same principle I have just read is reiterated. It is in Document Book 2, page 94. Everyone is told not to take independent action.

Under II, it says verbatim -- and I quote:

"In special exceptional cases, immediate measures of securing or removal of items to a safe place can be carried out in order to evade danger threatening (e.g. danger of collapse of buildings, enemy action, climatic influences, etc.). In all cases, immediate written notification of my Special Purpose Staff must take place."

I should like to return to the accusation of the Soviet Government. When Document 076-PS was read, it said that there was never any directive for the securing of cultural good, but proofs do exist as I have just quoted two times.

Further, I would like to refer to a directive by the Reichminster for the Occupied Eastern Countries to the staff leader of the Einsatzstab. This is a document of the 3rd of October 1941. I again call his attention to the documents which I have just read.

Furthermore, I would like to call your attention to a decree of the Supreme Command of the Army in September of 1942, which was in agreement with the Reichminster for Eastern Occupied Countries. Here also it says at the end, under I,--

Q That is page 89 of the document book?

THE PRESIDENT: Which is that? September '42?

THE WITNESS: The 30th of September.

THE PRESIDENT: Yes, I have got that. What about the one of October '41? Where is that?

H0111-0066

THE WITNESS: October '41?

THE PRESIDENT: October '41.

THE WITNESS: That was the 3rd of October 1941.

THE PRESIDENT: Do you know where it is, Dr.Thoma?

DR. THOMA: It is contained in Document 1015-PS, which is USA-85, but it may be that this document is not listed. In my document I cannot locate it at present, but it belongs to 1015-PS which was submitted in its entirety.

THE WITNESS: And the order of the 30th of September 1942 says, under I:

"Disregarding exceptional cases, in which the safeguarding of endangered works of culture is urgent, its place of temporary location is to be sought on the spot. For this purpose, according to the mutual agreement between the Supreme Command of the Army General Staff of the II/G on. Qu. and the Special Purpose Staff of Reichsleiter Rosenberg, the following authorities have been granted to the latter:

"c. To conceal or to safeguard in the operational area of the East for the protection against damage or destruction, also such works of culture which do not fall under paragraph b, especially art treasures of museums."

At the end of this directive, it says, under IV:

"Independent from the missions of the Special Purpose Staff of Reichsleiter Rosenberg according to Section I, a, b, c, the troops and all military units located in the operational area are immediately to be notified to preserve if possible valuable art monuments and to save them from destruction or damage."

I believe I am obligated and duty-bound to prove, but very briefly, that as far as my Special Purpose Staff and the military office were concerned, unequivocal directives and orders were issued for the protection of valuable art objects, even in these bitter battles, the objects of art of the Polish, Ukranian, and White Ruthenian people.

BY DR. THOMA:

Q Mr. Rosenberg, do you know that Hitler and Goering received some of the objects pf art which were concentrated in France? What was your part?

H0111-0067

A In general, the Fuehrer had decreed, and this order was transmitted by Keitel; and it was pointed out that the Fuehrer would decide alone, himself, that he would make the decision.

I do not wish to dispute in any way that I had the hope that a large part of these objects of art would remain in Germany, since, in the course of time, many German cultural works of art had been destroyed by bombing attacks, especially in the West. These works of art were to be a basis for later negotiations.

Reichsmarshal Goering supported the work of the Special Purpose Staff, on the special directive of the Fuehrer, and when a number of these works of art were earmarked by Goering for his collection, I was, I must say frankly--as it says in the record--a little uneasy, because, with this directive, I had a certain responsibility. I had signed my name, and I had taken over responsibility for the confiscated objects. I was, therefore, obligated to catalog them in their entirety, to save them, and to have them ready for a final disposition. Therefore, I directed my deputy to make a complete list of those things which the Reichsmarshal, at the approval of the Fuehrer, was taking for his collection.

I knew that Reichsmarshal Goering intended to give this collection to the German Reich and not to keep it as part of his private inheritance.

In the record which was produced and read by the French prosecution, I must say that there is a regrettable error to be found. It says that I had been uneasy because Reichsmarshal Goering had taken these works of art. In German, the term "entwendent" used means "unjustly" or "illegally" or "embezzled". However, what I said was "verwendent", which means "utilized", and there is a difference.

DR. THOMA: Mr. President, I would like to call to your attention the fact that the French used the work "detourne", which means "embezzled".

THE PRESIDENT: The Tribunal will adjourn now.

(A recess was taken)

H0111-0068

BY DR. THOMA:

Q I now turn to the Action Moebel, in France, and for that purpose I am showing the defendant document 001, in volume 2 of the French document book, and I am asking the defendant to state his views.

(The document was submitted to the witness.)

A The document 001-PS contains, at the beginning, information to the effect that in the East the accommodation problem and conditions had been so dreadful that I was asking for consideration as to whether unoccupied Jewish flats in France, and parts of their equipment, should be used for that purpose. This suggestion was taken up by the Chief of the Reich Chancellery on the 31st of September, 1941, and conceded in a decree issued by order of the Fuehrer.

In the course of the increasing bombardment in Germany I considered that I no longer could take responsibility for this, and thus I made a suggestion that this furniture should be placed at the disposal of bombing victims in Germany--which amounted to more than 100,000 people in certain towns--so that first help would be given to them.

In the report of Action M in the French document book, it states, in the 7th paragraph, how the confiscation was carried out: that these deserted apartments were sealed; that they remained sealed for a lengthy period, so that any possible claims were waited for, and that only then was the transport of the articles to Germany carried out.

I am aware here that this, no doubt, must have been serious interference with private property, but here again, in connection with previous thoughts, I had thought of the homeless millions of Germans.

I want to emphasize in this connection that I was well informed regarding the fact that, in a book of considerable size, flats, their owners, and the main contents in the way of furniture, had been laid down in detail, so that, at a later date, there would be a basis for any possible negotiations.

H0111-0069

In Germany the matter was handled in such a way that those people who suffered damage through bombing, with regard to these furnishings which were placed at their disposal, and household goods as well, had to pay for them, and these supplies made to them were deducted from the claims which they had against the state. That money was paid into a special fund administered by the minister of finance.

The document here--001-PS--contains under No. 2 a suggestion which I myself consider a serious implication against me. This is a suggestion that on the strength of four murders committed against Germans in France not only Frenchmen should be shot as hostages, but that Jewish citizens also were to be held responsible. I should like to say that these shootings of hostages, since they were to be announced locally, were considered by me as being justified in a war under certain special circumstances, since the fact that the armed forces were carrying out such things appeared to me to be the result of a natural legal investigation, particularly since these things were taking place in the territory and with reference to a state with which the German Reich had signed an armistice.

Secondly, this happened during a period of excitement, due to the war which had just broken out with the United States of America, and there were thoughts of the report from the Polish Ambassador, Count Potowski, dated the 30th of January, 1939, which the Tribunal has forbidden to be read.

In spite of that, I must say that this suggestion is considered by me to be a personal injustice and recognized as such, but that looking at it from the legal point of view I would like to point out that in the document 1015-PS, under letter Y, there is a letter from the chief of the Reichschancellery, which is dated December 31, 1941, and in which it says in a note for the files, dated 18 December 1941:

"This has been reported to the Fuehrer. The Fuehrer has concerned himself with the suggestion under 1 and has stated his principal agreement. A copy of that part of the file note will deal with the use of Jewish furniture, and it has been submitted to the chief of the supreme command of the armed forces and the Reich Commissioner for the occupied Netherlands,

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together with a letter attached hereto in copy."

In this manner, as far as point 1 is concerned, this has been accepted, and it has been silently though emphatically stated that point 2, with reference to the suggestion, is turned down, which means that the whole suggestion had no legal consequences. Later on I referred again to this suggestion, and I must say that I had forgotten all about it until it was put before me once again.

Q I now turn to the subject "Minister for the Occupied Eastern Territories". The Defendant is anxious that he may define his attitude to Molotov's note that he, the Defendant, was a Czarist spy, since this affects his personal character. I therefore ask the Defendant whether he has at any time had connection to the Czarist police.

A No.

GENERAL RUDENKO: Mr. President, in the Indictment which has been presented to the Defendant Rosenberg no point incriminates him of having been a Czarist spy. Therefore, we consider that this question is irrelevant

DR. THOMA: The Molotov reports have been submitted to the Tribunal, and in that way they have been introduced in evidence. Consequently, I think that I may be permitted to put that question.

THE PRESIDENT: He has answered in the negative already, so you can pass from it, can't you? It has formed no part of the Indictment.

DR. THOMA: Yes.

BY DR. THOMA:

Q When did you learn that you had been appointed minister for the occupied eastern territories or that you were proposed for this position, and what reasons were given you for having the task given to you?

A May I state in connection with this that at the very beginning of April, as far as I can remember it was the 2nd of April, 1941, the Fuehrer called me in the morning and explained to me that he regarded a military clash with the Soviet Union as unavoidable. The reasons he quoted were two: firstly, the military occupation of Rumanian territory--that is to say, Bessarabia and North Bucovina; and, secondly, the long existing considerable increase in the strength of the Red Army along the

H0111-0071

line of demarcation and in Soviet Russian territory altogether. These matters, he said, were so clear that he had given the corresponding military orders and that in every shape and form did he want to include me as a military advisor. Thus I was facing an accomplished fact, and any attempt even to discuss the matter was countered by the Fuehrer with the remark that the orders had been given and that nothing could be altered in the matter, so that I consequently told the Fuehrer in that case I wish the best of luck to the German armed forces and I am at your disposal for this political advice which you desire.

Immediately afterwards I called a meeting of my nearest officials, since I didn't know whether the military events would be taking place very soon or later on. We discussed the possible treatment of the political problems and possible measures which may have to be taken in connection with the territories to be occupied in the east. We made a number of drafts, which have been submitted in this courtroom, and on the 20th of April I received a temporary task, which was the forming of a central department for the treatment of the eastern questions and the order to get into touch with the corresponding leading departments in the Reich in the matter.

Q The instructions which were given to the defendant Rosenberg after he was nominated--which he drafted, rather--I should like to submit them to the Defendant. And I have yet another request to the Tribunal These instructions appear in their photostatic copy as being crossed out and bearing a number of remarks, and I have the request therefore that the Tribunal would take personal cognizance of the photostatic copies so that it can be seen how these instructions have been crossed out. I think the actual documents have been submitted to the Tribunal.

A May I refer to these documents--1017, 1029 --

THE PRESIDENT: They have already been put in evidence?

DR. THOMA: Yes, they have been put in.

Q May I ask you, Defendant, to state the exhibit numbers.

A I had just mentioned the PS number.

H0111-0072

Q What is the USA number?

A There is 1028, which has the USA number 273; whereas document 1030 has the USA number 144. The other documents do not seem to have a USA number.

Q 1017 is USA 142; 1028 is USA 213; 1029 is USA 105; and 1030 is USA 144.

A In addition I should like to state --

Q They are contained in the special document book for the Defendant Rosenberg.

A I state in this connection that these are provisional drafts, and according to a statement which is contained in the upper left-hand corner they originate from the end of April to the beginning of May. These provisional drafts did not go out at all, but as they are now crossed out and bear certain written remarks in the margin they contain statements regarding those points which were later on not passed by the Fuehrer. So that for that reason alone, particularly referring to the Ukraine, they couldn't have been sent out.

H0111-0073

The actual first instructions which went out to the Reich Commissars in the Eastern Countries and the Ukraine, after the Ministry for the Occupied Eastern Territories had been formed, are unfortunately not available. They haven't been found so that unfortunately I cannot refer to them.

Q On the 20th of July 1941, that is to say, one day before the outbreak of the war against Russia, you have made a speech regarding all these, concerning the Eastern problems. I am sure you have extracts from that speech. It is 1058-PS, USA 147.

THE PRESIDENT: 1058, was it?

DR. THOMA: Yes.

THE WITNESS: This is a document from which the prosecution has quoted one single paragraph repeatedly and this is a lengthy impromptu speech made before those who were interested in Eastern problems and who had been given corresponding parts and I would like to state in that connection, that it was my obvious duty to reflect on which political measures would have to be suggested so as to avoid that the German Reich would every twenty-five years have to fight for its existence in the East and I should like to say, and emphasize before I go any further, that the matters which have been stated by me in a confidential speech do not correspond in any way with the statements made by the Soviet Prosecution; namely, that I was in favor of a systematic liquidation of the Slavic peoples.

I do not wish to occupy the Tribunal's time by reading too much but perhaps I may read some paragraphs to justify myself. It says in paragraph 2:

"Originally, Russian history was an entirely continental affair. 200 years they lived under the yoke and they were predominantly turning to the East. The Russian traders and hunters have gone to the East as far as the Urals; some have gone to Siberia and the colonization of Siberia is no doubt one of the greatest deeds of the history of the world." I think that this might underline my attitude of respect towards that historic achievement in the East. The next paragraph states: "This means the aim of Germany is the freedom of the Ukrainian people. This must be made a political point of our program. In what form and to what extent a Ukrainian State can be formed later, that is something which one cannot discuss now. In that connection,

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great care must be employed; the literature regarding Ukrainian struggles must be cultivated so that the consciousness of the Ukrainian people regarding the history can be revived. A university could be founded in Kiev; technical high schools should be constructed. The Ukrainian language should be furthered."

I have quoted this so that by means of a document, I can prove that it was not my intention to destroy the culture of these peoples in the East.

In the following paragraph, I have pointed out that it was important, considering that there were 40 million people in the Ukraine, that in the course of the years, they should voluntarily cooperate and that should be gained for the purpose.

In the following paragraph, I refer to the eventual occupation of the Caucasian territories and this is the verbatim quotation: "It would be the end of this solution to create a Caucasian National State. One will have to find another solution which can be brought about with Germany to that extent, that these people may ask Germany to support their cultural and national existence and security." Here, too, the wish for their destruction cannot be found.

Then comes the point which has been raised by the American Prosecution and has been described as a particularly serious incriminating factor. It is the so-called colonization and the German property abroad. This paragraph is worded as follows:

"Quite apart from all these problems, there is the question which is of an equally general nature and which we must all think about; namely, the question of the German national property; German national characteristics in that area have worked for hundreds of years. The result of that work, amongst others, is considerable real estate property. The property confiscated in the Baltic countries can be compared with the size of East-Prussia; the entire real estate area of the Black Sea was as great at Wuerttemberg, Baden and Alsace together. In the Black Sea area more land was cultivated than there was ploughed up in Great Britain. These comparisons must make it clear to us that the Germans there have not been idle or have exploited the nation but that they have done creative work and the outcome,

H0111-0075

the result of that work is German National Property, without any reference to any earlier individual owners. Just how that may one day be compensated, that cannot yet be mentioned but starting here, a legal basis will be and can be created."

I wish to quote this so that later on, when we deal with the agricultural subjects, particularly in the commissar area in the East where, in spite of these thoughts, the 700-year German property which was not reinstituted but handed to the Estonians and Lithuanians by law, must be referred to.

In a later paragraph it states: "We must declare in this connection that we are not enemies of the Russian people ---

THE PRESIDENT: Are you still reading from 1058-PS?

THE WITNESS: Yes. I continue to quote the following paragraph: "We must declare in this connection, that we are not by any means enemies of the Russian people. We, all of us, who knew the Russians earlier, knew that the individual Russian as a person is an extremely pleasant and cultured person who has not got the same character and backing as the Western Europeans do. "The fight for a reorganization, and continue openly in the sense of a national self determination of the peoples."

I shall save the Tribunal from listening to the end. I shall come to that in detail verbally. I made that speech fully convinced that after my introductory remarks which I had made to the Fuehrer about the subject, that he must have agreed in principle. I did not know, and he did not tell me, that other military and police orders had gone out, otherwise it would have been practically impossible for me -- and particularly in Heydrich's presence, who was there --- to make a speech which appeared to be contrary to the tendencies Himmler and Heydrich held, as we heard them from the documents here; and as far as the point is concerned, which has been quoted by the prosecution from this document, I have to say the following: From amongst men working in the Four Year Plan, I gathered from that, from the events of an occupation of the industrial region and in the event of far-reaching destruction through battle, large-scale industries could not possibly continue to work but that one might have to rely on a number of key-industries -- that, by necessity, would mean considerable unemployment.

In addition to that it was not clear how considerable the requirements for market goods would be in the East and what the general food situation would be and what might have to be done due to the blockade and in the interests of German food supplies. This was the prerequisite for the remark that under certain circumstances an increased evacuation of Russian territories might be necessary where the industrial workers might become increasingly unemployed and in connection therewith I should state at once that I am referring to the document 1056, which contains the first directives from the Ministry for Eastern Affairs and which deals in particular with food supplies for the population and which was made a particular duty for the Reich commissars.

Q On July 17, 1941 and by decree of the Fuehrer you were appointed to the Reich Minister for the Administration of Newly Occupied Territories. On the preceding day there was a conference between Hitler, Keitel, Goering and Lammers, during which you stated your program of administration. I refer to the document L-221, U.S.A. Exhibit 317. It is on page 123 in Rosenberg's document book two -- page 123.

A This document, which appears to refer to a summary record taken by Bormann, has, of course, been read in this Court four or five times. During that meeting I had actually not intende to state a large scale program, this meeting having actually been called for the purpose of resolving the wording of the intended Fuehrer decree, referring to the administration of the occupied territories and for the purpose of giving all persons concerned the possibility to state their views on that subject.

I was, apart from that, considerably occupied with a number of personal questions which I was going to report to the Fuehrer. I was surprised, therefore, when the Fuehrer passionately and at considerable length commenced to make a lengthy statement and made a number of unsuspected statements to me regarding the policy to be employed in the East. I was under the impression that the Fuehrer himself was under the influence of the unsuspectedly strong rearmament on the part of the Soviet Union and the hard struggle which

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was going on against the Red Armies. That apparently was the cause for some of the statements made by the Fuehrer to which I may perhaps refer at the end.

In the presence of the other witnesses I countered the unsuspected statements of the Fuehrer and talked against them and perhaps I may read from the record the following passages which have not been read out from the original document on page four:

"Reichsleiter Rosenberg emphasizes that in accordance with his views the Kommissariat would carry out a different treatment of the population. In the Ukraine we would have to take care of the culture. We must revise the historical conscience of the Ukraine and found a university at Kiev and the like. The Reich Marshall makes the counter-statement that we have to think first of securing our food situation, everything else could come much later.

"(Incidental question: Is there still anything like an educated class in the Ukraine, or are upper-class Ukrainians rather to be found only as emigrants outside present day Russia?)

"Rosenberg continues that there were certain independence movements in the Ukraine which deserved promotion."

Then follows on page five a quotation of the intentions of the Fuehrer, where it says, and I quote:

"At the same time the Crimea, including a considerable hinterland, situated north of the Crimea, should become Reich territory; the hinterland should be as large as possible.

"Rosenberg complains about this because of the Ukrainians living there.

"(Incidental question again from Bormann: It has appeared to me several times that Rosenberg has a soft spot for the Ukrainians, thus he desires to enlarge the former Ukraine to a considerable extent."

Thus there is evidence that I have argued on the side of th strengthening of the knowledge which I had and tried to persuade the Fuehrer to agree to the same points which I made in my speech

H0111-0077

on the 20th of January, 1941, before the heads of the service departments concerned.

The further contents of the document prove that the Reich Marshal in particular was interested in appointing the former Gauleiter Koch and that I opposed this candidate since I was afraid that Koch, in accordance with his temperament, might quickly disobey my directives being as far removed from the Reich as he would be. But, in connection with that request I could not have known that Koch by disobeying my directives would go as far as occurred later on and I should

H0111-0078

H0111-0079

like to end right now, in considerably furthering the interests of the Party Chancellory.

Towards the end on page ten of the document, of the record, there appears a passage which has not been read, which I am now quoting. It is a lengthy discussion regarding the jurisdiction of the Reichsfuehrer SS.

"Obviously at the same time the participants have in mind the jurisdiction of the Reich Marshal."

I personally wish to add that this is a very personal remark made by the head of the Party Chancellory and not by any means an actual record, an actual minute of the meeting.

I quote further:

"The Fuehrer, the Reich Marshal and others reiterate that Himmler was to have no greater jurisdiction than he had in Germany proper but this was absolutely necessary."

These minutes show that this was a rather temperamental discussion since not only during that conference but also before I had opposed the thought that the police were to have a legally independent executive authority in the occupied territories and were to be independent from the civil administration. I also spoke against the existing wording of the Fuehrer decree which had already been prepared. I did not find any support for my thoughts from anyone present and that is the explanation for the later developments and the wording of the decree which was signed on the following day by the Fuehrer which dealt with the entire administration in the occupied eastern territories.

Q On the 16 of July you were appointed Minister for the Eastern Territories and at the same time there were other appointments and the question now arises what was your jurisdiction and the extent of your activities. I refer to document 1997, page 46, Rosenberg volume two.

A May I refer you to paragraph two which deals with the appointment of the Eastern Ministry and paragraph three, which states as follows:

H0111-0080

"Military sovereign rights and powers are exercised by the commanders of the armed forces in the newly occupied Eastern territories in accordance with my decree of 25 June, 1941. The powers of the Commissioner for the Four Year Plan in the newly occupied Eastern territories, according to my decree of 29 June, 1941, and those of the Reichsfuehrer SS and Chief of the German Police according to my decree of 17 July 1941, are subject to special ruling, and are not affected by the following regulations."

In Article 6 it states:

"At the head of each Reichskommissariat will be a Reich Commissioner--" and then come detailed remarks stating at the end that the Reich Commissioners and the General Commissioners will be appointed by the Fuehrer personally and that consequently they could not be given leave by me or relieved of their post.

H0111-0081

Article 7 rules that the Reich Commissioners will be responsible to the Reich Minister and will receive instructions exclusively from him in cases where Article 3 is not applicable; that is the Paragraph 3 which refers to the Commanders of the Armed Forces and the Chief of the German police.

Article 9 states that the Reich Commissioners are responsible for the entire administration of their civilian territory. I quote the following paragraph:

"As long as military operations are in progress, the entire railway and postal arrangements must be under the jurisdiction of the ministries concerned."

Article 10 states that it is the duty of the Reich Minister of the Occupied Eastern Territories, who is quoted as being a resident in Berlin, to, in the interest of the Reich, coordinate his wishes to those of other supreme authorities in the Reich; and that, in the event of differences of opinion, a decision from the Fuehrer must be sought.

I need not quote the Fuehrer Decree to the Commanders of the Armed Forces to the Tribunal since it is sufficiently clear what we are concerned with, nor the decree regarding the powers of the plenipotentiary for the Four Year Plan, dated the 29th of June '41, in which it is stated that the plenipotentiary for the Four Year Plan, that is Reichmarshall Goering, has jurisdiction over all civilian and military departments and can given them instructions on matters of decisive importance. However, for the judgment of the entire legal suggestions in this connection and the consequences which arose from that later on, is the decree of the Fuehrer regarding the security to be achieved by the police in the Eastern Territories of July 17, 1941. It says under I as follows, and I quote:

"The police security in the newly occupied Eastern Territories is a matter for the Reichsfuehrer SS and Chief of the German Police."

This Paragraph I without any limits rules on the entire security situation in the Eastern Territories which come under the jurisdiction of the Reichsfuehrer SS, who in that manner, next to the Reichminster of occupied Eastern Territories and alongside of the plenipotentiary for the

H0111-0082

Four Year Plan, becomes the third independent central department and independent of the Reich in Berlin, with the result that the Ministers for Eastern Territories in his ministry did not have a Security or a Police Department in Berlin nor could he instal one.

Under II it states that the Reichsfuehrer SS is authorized, apart from the obvious instructions he would give to his police, to issue directives to the civilian Reich Commissioners directly and that he is instructed that orders of politically great significance should transmitted through the Ministers for the Eastern Territories, being then that it concerned prevention of an immediate threat and danger. This worry gave the practical possibility to the Reichsfuehrer of the SS to make his own decision as to whether he considered it of political importance or not and when his orders with reference to prevention of any threats were concerned.

Paragraph III is of considerable importance, since the quotation of Document 1056, on page 2,058 of the German record of the proceedings, have indicated to the Tribunal that there must be the impression that the Minister for Eastern Territories had units of the SS under his command in Eastern Territories. On the other hand, it appears from Paragraph I, which I have just quoted, that this is incorrect. But, in spite of that, a wording which is often used in connection with the powers of the SS has led to this misunderstanding: and this is mentioned under III of the Police Security Decree, and I quote as follows:

"For the carrying out of police security each Reich Commissioner will be joined by a senior SS and Police Leader who will directly and personally subordinate to the Reich Commissioner. Leaders of the SS and the Police will be attached to the general commissioners, the chief and the area commissioners, who will be subordinated to them directly and personally."

Dr. Lammers, who had the task of drafting this decree, had replied, upon being asked, that the reason why this wording was chosen was that they meant that the civilian Reich Commissioner could give instructions to the police in political matters, but that the choice of the wrds "personally and immediate subordinate" indicated that the actual giving

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of orders was exclusively a matter for the Chief of the German Police. And, as far as I know, Himmler insisted particularly strongly in this wording since it gave the impression to the outside and to the population that the Reich commissioner was achieving a certain unified administration, whereas, even legally and in practice, the power to issue orders bypassed the civilian administration and arrangements existed between Heydrich and the General

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Quartermaster of the Army, which are facts which I heard for the first time during this trial. Just how these matters developed and just how orders and powers for the replies were worded, I only heard here.

The other decrees deal with the Reichskommissariat themselves, and I don't believe that I need quote them to the Tribunal. They are merely the continuation and consequences of the former decree. I should merely like to refer to the Lammers' decree of the 9th of February 1942, which refers to industry and armament. I point out that, due to later wishes stated by other authorities in the Reich, the departments for technique and propaganda which had existed in the Eastern Ministry were transferred from there and attached to the corresponding ministries. This was done in a way that Minister Speer used his representatives in the Kommissariat and liaison officers just as the transport minister stated that propaganda instructions had to be issued by the Minister for Eastern Territories; whereas, in practice, the matters were left to the Minister for Propaganda.

DR. THOMA: I think you should have to be a little briefer.

THE PRESIDENT: Yes, the Tribunal hopes you will.

Q The most important thing in the whole matter is the juridiction of the Police Leader and the SS, in addition to that, your relationship to the general plenipotentiary for labor. What was the channel of subordination in this connection? Was Sauckel entitled to give you instructions?

A The authority the plenipotentiary for the Four Year Plan had received from the Fuehrer are clear-cut; and the Fuehrer Decree of the 21st of March.

THE PRESIDENT: The question was :" Was Sauckel entitled to give you instructions?" You began to tell us about the Four Year Plan. I am sure you can answer that question directly.

A (Continuing) The general plenipotentiary for the employment of labor had the right to give instructions to all authorities in the Reich, and that included the Minister for the occupied Eastern Territories.

Q That's enough. Were you entitled to tell the Reich Commissioner Koch that the quotas of laborers which were required could no longer be fulfilled, yes or no?

A I couldn't do that as easily as that since the plenipotentiary for

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labor had been given very definite quotas by the Fuehrer, and when these quotas appeared too large to me -- and that was always the case -- I would approach the general plenipotentiary and his representatives and have conferences together with the representatives of the Eastern Military Ministry so as to reduce the figures to a bearable size; and the reduction of these quotas did, in fact, succeed during many such conferences.

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In spite of that, however, the quotas were very high indeed.

MR. DODD: This defendant continues to make a speech. The question was very simple. He was asked whether he was entitled to tell the Reich Commissioner Koch that the quotas of laborers which were required could not be filled. He has now had three minutes, and I'm sure that he will take 30 minutes if he's allowed to go on. He should be kept to all elements surrounding that question.

BY DR. THOMA:

Q Witness, I must emphasize Mr. Dodd's suggestion. I have asked you whether you were entitled to tell the Reich Commissioner Koch that the quotas of laborers which were required could not be filled. Will you please answer yes or no?

A The answer, in that case, is no.

Q Did you, nevertheless, do so on one occasion, that he should use his rights and his powers? Yes or no?

A Yes, I did that in a letter to the General Plenipotentiary for Labor and the document has been presented in court. It is dated December 1942, and in that letter, it was my duty to draw his attention to a number of events and I requested him urgently to do what he could so that these events which had occurred would cease.

Q May I ask you to refer to this question of labor very briefly on the strength of the available documents. They are documents which have been presented by the United States. 016-PS, 017-PS, 018-PS, 015-PS, 014-PS, 204-PS, 265-PS, and 031-PS. And I think you can be brief about all these documents since you are talking about your own affairs.

THE PRESIDENT: Are they in the document book?

DR. THOMA: They are in the USA document book. The special document book Rosenberg. The document 016-PS is contained therein.

THE WITNESS: It is a letter from the General Plenipotentiary dated the 24th of April, and addressed to me, in which he states his program. It has been referred to by the Prosecution repeatedly, and I would like to refer you to two points which refer to it.

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It states in this program under Prisoners-of-War and Foreign Laborers verbally:

"To us Germans, it has always been a matter of course that as far as the beaten enemy is concerned, who has been our hardest and toughest opponent but who has been captured, that we must refrain from any cruelty and unnecessary difficulties. We must treat them correctly and humanly, even if we must expect from him a reasonable output."

And then it says, on page 13, in paragraph 5:

"For the Russian campaign too, and for that reason, there must be the greatest care that the principles of German cleanliness, orderliness, and hygiene are observed."

That, as far as I was concerned, was the decisive point. And this principle of the German plan was agreed to by me. And from that agreement arises my letter 018-PS, dated the 21st of December 1942.

Q It is document book Rosenberg, Page 64, Volume II.

A I have formerly explained the letter, that I am stating therein my agreement to the solution of the Eastern workers problem and I state that we, Sauckel and myself, observe the German principles. That is in reference to the points of the program which have been quoted.

I further stated that in spite of the principles, a number of events occurred which caused me to draw his attention to wrongful methods.

On page 2 I am complaining that in accordance with reports received at the Eastern Ministry certain sick barracks and camps which were to be installed for sick Eastern workers for their rehabilitation before returning to their own country had not lived up to the expected conditions and that the Eastern Ministry did, in turn, turn to the Reich Commissioner in Eastern Territories.

After that, in Page 3, with reference to the quotas, as far as the Eastern occupied territories were concerned, I had requested, with all emphasis, that any actions should be excluded in recruiting the quotas which would have serious results and consequences which might some day be held against myself and other officials. In order to achieve this end

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and to bring into agreement the peculiarities of the Eastern territories, I have empowered the Reich Commissioner for the Ukraine, insofar as necessary, to make use of his rights and to see to it that methods which run contrary to the interest of the conduct of the war and war economy in the occupied East be abolished.

Q Were you aware of the fact that at the same time that these methods were discontinued the workers demands could not be supplied?

A I could not assume that as easily as that since I knew also, that at the beginning, when the problem came into play concerning rather large numbers of recruits from the country, that a legal basis existed and that the Reich Commissioner had further provisions from that light.

May I very briefly refer to the other documents quoted by the Prosecution, o54-PS? That's a criticism regarding conditions which have been reported by officers of the Ministry of Eastern Affairs, by the Army

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Group South, and which reached me. It is very severe criticism and I shall refer to page 1 of the letter where it says, that with few exceptions, the Ukrainians in the Reich are working on their own in handicraft, farms, in agriculture, or as household employees, and that they are very satisfied with their conditions, but they complain about the type of shelter they have in collective camps."

This reports the attempt to exert an influence in Germany, it's where I, the Eastern Minister, could not normally give any instructions and there was the attemp to comply with the points raised during that time regarding workers in Eastern territories.

The document 084 refers to a number of complaints and measures about the improvements of the situation in which the members of the families of the workers found themselves and the Ministry of Eastern Affairs is asked to deal with these matters speedily. It refers to a question of pay, a question of taxes, but I don't think I need make a detailed statement. All these questions will be referred to by the General Plenipotentiary for labor. He merely referred these reports to me and I was active in trying to improve the situation. I should like to have, in this situation, a working agreement between us according to which Eastern workers who were returning to their homes were to receive an allotment of land so that they did not suffer any disadvantage over those who had remained in their own home land.

In document 204, complaints can be found regarding insufficient allowances to which I need not refer in detail and to which I am merely allowing myself to draw to the attention of the Tribunal.

Document 265 is a report from the General Commissioner at Zhitomir in the Ukraine in which he informs us of the fact that the general plan of labor prisoners, and through his travels in Eastern territories, had pointed out the serious situation in the labor and that he had transmitted and carried out the orders from the Fuehrer. Also, that these quotas must be placed at the disposal of the Reich Commissioner and that he had no choice but to call on certain workers even by means of the support of the police or the local authorities which had been appointed.

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This document 031-PS appears to me personally to be of particularly great importance since the prosecution has stated, with reference to that document, that I am accused of having collaborated in the planning and carrying out of the biological weakening of the Eastern peoples. And reference is made to my agreement, which is supposed to be stated at the end of this document.

Only the first and last words of this document have been quoted, and I must ask the Tribunal to take cognizance of the true situation, and that I may inform them of it.

At the beginning of the document it states that the Minister for Eastern occupied territories, with reference to this problem--and after he had once turned down the suggestion that youthful persons should be transferred to the Reich-- would once more state his opinion and refer to special conditions and prerequisites. In the actual record it states that Army Group Center had the intention, considering that a large number of youthful persons were already working there, and because they were not being taken care of, of returning these youths and taking care of them in a proper manner.

On page 2 of the document it states that the Minister was afraid that this action might have political repercussions and that it would be considered as the kidnapping of children. He, therefore, wanted the action to be considerably limited for those reasons.

Under point 4 it states that if the Eastern Minister could not support that action and help carry it out, then theArmy Group Center--which, of course, was in no way subordinate to the Eastern Minister -- would carry out the action on their own.

However, this Army Group was addressing itself to the Eastern Ministry particularly because, in their opinion -- and I am quoting -- "the guarantee for a correct political and permament treatment would thus be assured. The Army Group would like to see this action carried out under the easiest possible conditions. These children should, if possible, be accommodated in villages, in groups, or accommodated in small camps. Later on, from there, they were to be placed at the disposal of handicraft and business concerns."

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Then, later on, it states: "In the event of a reoccupation of the territory, the Eastern Ministry can then return theseyouths, who would then cooperate with their parents in the reconstruction of that territory, which would surely be a positive political factor."

At the end it states, "Under these conditions the Minister for Eastern Affairs has agreed to take care of these youths." I agreed, because I was conscious of

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the fact that I was, wherever possible, going to be able to use the Youth Department of the Eastern Ministry, which would, in turn, guarantee the greatest possible care for these children.

I want to add that on one occasion I made a journey and visited a large works at Dessau, where 400,000 youthful workers were employed, and where a separate children's camp was in existence, under the care of White Ruthenian mothers. I could ascertain that these youthful workers were wearing the best possible clothes, that they were being taught mathematics and languages by Russian teachers, and that the children's camp had a kindergarten which was looked after by Russian welfare workers, who, in turn, were looked after by the Hitler Youth. In the course of the day, the woman who was looking after that camp was thanking me, with tears in her eyes, for this humane care which was being accorded to them.

I would like to point out a phonetic error which has appeared in this record. This city, as I said, was Dessau, and not Odessa, as is stated in the record. I never visited Odessa in all my life.

DR. THOMA: Mr. President, we have finished the labor problem, and I am coming to the Reich Commissariat; perhaps this would be a suitable moment to go into recess.

THE PRESIDENT: Can you indicate to the Tribunal how long you are likely to be with your examination?

DR. THOMA: I am of the opinion that we may be through by 4:30.

THE PRESIDENT: Four-thirty this afternoon?

DR. THOMA: Three-thirty. However, the defendant Rosenberg is shaking his head, and therefore I can't tell you for certain.

THE PRESIDENT: Well, the Court will recess until five minutes past two.

(A recess was taken until 1405 hours.)

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File

Official transcript of the International Military Tribunal in in the matter of: The United States of America, the French Republic, The United Kingdom of Great Britain and Northen Ireland, and the Union of Soviet Socialist Republics, agai against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 16 April 1946, 1415-1700, Lord Justice Lawrence presiding.

DR. THOMA: I wish to submit to the Court the first document, a secret order by Rosenberg as far as the dignified treatment of the inhabitants of the Ukraine is concerned. That is dated the 14th of December 1942.

BY DR. THOMA:

Q Witness, please give us your opinion and your views on this document together with Document 1065, the views you expressed in connection with that.

A Document 1065 was not an instruction of the Eastern Ministry, but it was the result of a conversation with various central agencies of the Reich Government who were interested in eastern problems and questions. In this document there are contained principles and directives of the Eastern Ministry itself, also discussions and agreements with technical departments involved, such as the Post Office Department, Police Department, Communications and Traffic, so that at least in the East a certain unified civil administration could be documented and established. For the reasons which I have already enumerated it was not possible.

As far as other questions are concerned, the subordination of the SS and police, which was not granted, I would like to point out and refer to what I said in the beginning as far as administration in the eastern occupied territories is concerned, beginning with June of 1941.

As far as Document 1065 is concerned, I would like to point out that among the seven points which are stressed aspecially, the third point was the accomodation and supply of the population and that point was expressely mentioned. Then, further, it is again explained in the document that this accomodation and supplying of the population with foodstuffs and so forth, is to be especially taken notice of, that medical supplies and food supplies are to be given special consideration. However, except for that I do not wish to stay with this document.

The document 194-PS is, unfortunately, the only piece of instruction of

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the Eastern Minister to the Reichkommissars, and it was the only document which was found. It is an instruction dated the 14th of December 1942, in which again the human and political position and attitude is particularly stressed. As far as the treatment of the civilian population is concerned, in the beginning it is emphasized, and I would like to mention it, that German behaviour would never give the impression that the Ukraine could have no hope for the future, that directives by German departments and offices would have to be executed but would have to be given great thought. It said further that the peoples of the East have always seen in Germany the bearer and the exponent of a legal order, which in some cases may be a trifle harsh, but which is not an expression of arbitrary decision; that possibly matters might warrant harshness, but they would be investigated, examined, and justice would reign; the impression of arbitrary deportment

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was not to be considered.

The article further says:

"Elementary schools with a four-year term should be kept open completely, followed by trade schools training for practical life. The German administration needs men for veterinary science, trade, farming and geological research who cannot be supplied from the German population. For that purpose the Ukrainian youth can be taken off the streets and indoctrinated to the fact that they have to contribute to the reconstruction of their country. Thereby, it would be inadmissible for German offices to confront the population with scornful remarks. Such an attitude is not worthy of a German.

"Germany became, by means of its armed forces, master over wide regions of the East. Every German who has been sent by her has therefore to be conscious of the obligation which he takes upon himself in the East as representative of the German Reich and of the German people. By appropriate bearing and deeds one becomes master, but not by obtrusive, shocking manners. One does not lead people by insolent talk, and one does not gain authority by exhibiting contempt for others."

Then, several other questions are dealt with in this directive, but I do not wish to take up the time of the Tribunal with these details. I was especially interested in showing in what sense I wanted to make known the position and the view of the civil administration, and in order that this directive might not remain on the desks of the offices of the several governments, I decreed that it was to be read in all offices.

DR. THOMA: Mr. President, now I would like to turn to the special accusation of the Soviet Delegation and to bring in the special document as applied to the Special Purpose Staff of Rosenberg. Therefore, I will submit to the defendant Documents USSR-375, 161-PS, 076-PS, USSR-375, USSR-7, 39, 41, 49, and 51, and finally 81. All of these are USSR documents.

THE PRESIDENT: Are any of these in your document books?

DR. THOMA: The documents of the USSR, the ones I mentione

last, I do not have in a special document book. I ascertained this morning whether these documents had been submitted to the Tribunal, starting with 39 and so on.

THE PRESIDENT: I thought perhaps you were referring to them now. They aren't in your books.

DR. THOMA: No. 161 is in Document Book 3, page 34. Nothing else is found in the document books.

THE PRESIDENT: Very well.

A (Continuing) The document 161-PS treats instructions for the bringing back of certain archives from Estonia and Lithuania. The Soviet Prosecution, therefore, contended that this was a plundering of cultural objects in these countries. I would like to state that the instructions which I read from Document 1065 stated in an unequivocal manner that these objects were to remain in the country. That took place.

I would like to refer to the date of that document, which is the 23rd of August 1944. When the battles were raging in this territory and when the cultural objects and archives were to be safeguarded and secured to protect them from combat activities, it was said that the archives mentioned here were to be safeguarded on Estonian country estates. That is, they were to remain in the country but were to be safeguarded against combat activity.

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As far as I know, later, some of these archives were brought to Germanyl and I believe they were secured in Schloss Hoechstedt in Bavaria.

Document 076-PS is being used by theprosecution as proof for a plundering of the library at Minsk. We are concerned with instructions of the rear army region, and a report which was given to the local authorities. From this report we can see that a number of destructions had taken place in some libraries. However, that was as a result of troops having been quarteredthere, because the City of Minsk had been destroyed and the billeting facilities were overburdened.

Then, under No. 1, and again under other paragraphs, it is shown that posters were put up, and that these things which were confiscated would not be touched after that. Then, it is added that any further taking away would have to be considered as plundering.

Under number two I would like to point out that the securing measures are concerned with the fact that the most valuable part came from the library of a Polish nobleman, which the Soviet authorities had taken to the occupied territory and had incorporated into the library there. However, that was long before the all-purpose staff, or other German departments, were active in that area.

There are a number of other documents, 035-PS and several others, which have been submitted to the High Tribunal and which deal with the taking back of cultural objects from the Ukraine. The date on these documents -- that is, the year 1943 -- shows that these cultural treasures had remained, as had been ordered in the countries. Then, when combat activity made it necessary, as document 035-PS says, at page 3.5, the corresponding infantry regiment was interested in the evacuation of valuable things since the armed forces could not protect this area sufficiently and bombardment by artillery was to be counted on.

DR. THOMA: I would like to submit this document under Re./37.

A (Continuing) Then the infantry dividion was to give all possible protection.

DR. THOMA: May I have the document again? I would like to submit it to the High Tribunal.

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A (Continuing) Therefore, the evacuation took place practically under artillery bombardment, and cultural objects which had come from Kharkov were transported away to the German Reich at that time during actual combat.

Now I would like to deal in detail with the documents which the Soviet Prosecution has presented regarding Estonia and Lithuania. In that connection I would like to submit just a few concrete details.

On page 1 of document USSR 39 it states that from the beginning of the occupation of the Estonian Soviet Republic, the Germans tried to cut off the independence of the Estonian people and tried to establish a new order as to culture, art, and science. They intended to exterminate the civilian population, or to deport these people for forced labor to Germany, and to pillage estates and villages.

I would like to remark in that connection, first of all, that there was an independence for 20 years, beginning with the attack in 1919 by the Soviet Union, and this independence was terminated by the marching in of the Soviet Union in 1940.

GENERAL RUDENKO: Mr. President, it seems to me that the document which is now being looked over by the defendant Rosenberg naturally gives him a basis for replying to the concrete accusations while he was Minister of the Eastern Regions. However, I do think that that which the defendant Rosenberg has just now begun to mention consists of straight fascist propaganda and has very little connection with the question discussed, or with the accusations.

DR. THOMA: Mr. President, if the defendant makes a few introductory remarks, I ask that he be not interrupted right away. We will deal with actual facts and citations.

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A (Continuing) So far as point 2 is concerned, I would like to remark--

THE PRESIDENT: Is this document that he is dealing with a document that he wrote himself or had anything to do with? I haven't got the document before me.

DR. THOMA: The document is submitted by the USSR, and it accuses Rosenberg of having destroyed these territories. Therefore, I think he is entitled to state his position.

THE PRESIDENT: But when you say "his position", can't he say what he did in connection with the document, or the subject of the document? I mean, when you say "state his position", it is such a very wide phrase, it may mean almost anything. If you ask him what he did in connection with the subject of the document it is different, but it is more concrete and special.

BY DR. THOMA:

Q What do you have to say in reply to the Soviet accusation in this respect?

A To refute the contention that I destroyed culture and art and science in Estonia, I must say that one of the first directives of the Eastern Ministry was to establish, in these three countries, administrations of their own people, and, so far as German occupation troops were concerned, to have them serve as a supervisory measure. The limitations were prescribed by war, and, of course, they were given accordingly. They applied to spheres of armament, to police security, and they applied to political positions in general.

A complete cultural autonomy was granted to all three of these Baltic states. Their art and their theaters were active all through these years of occupation. The university at Dorpat worked in most of its departments, and the same is true of Riga. The judicial sovereignty of these countries was subordinated only to the local directorates, as they were called, and all departments and offices were established. The entire school system remained untouched.

I personally visited these regions twice, and can say only that the

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commissars who were competent there did everything to maintain the autonomy and the independence of the people, even though they repeatedly critized the German administration. However, in the course of war, we could not, of course, recognize a complete state sovereignty.

On page 2 of this document there are some penal measures mentioned, referring back to 1942, that anyone who committed these demeanors--that is, of anyone refused to work, or if some employee came to work intoxicated, measures were taken by the directorates, and directives were issued to this effect.

When this directive was made known, of course, the German civilian administration was not entirely pleased. Reich Commissar Lohse at once recalled it, and we asked the Reich Minister of Communications to have this impossible official removed. This, of course, took place immediately and he was called home. The matter of his having been called home was to be made known through the press, although I cannot say whether it actually did happen.

On page 5 of this document, in paragraph 2, it is set forth that the Germans had destroyed historical buildings, that they had searched the universities and had destroyed a university which had a grand history of more than three hundred years, and which was one of the oldest seats of higher learning.

I would like to add that as far as the buildings are concerned they date to the Seventeenth and other centuries. They were constructed by Germans exclusively, and a German group would not be interested in destroying arbitrarily the houses which their own people had built.

And Point 2: This university, which is three hundred years old, Dorpat, was a German university.

THE PRESIDENT: That is quite irrelevant. The question is whether it was destroyed.

A (continuing) In the year 1942 I was at the city of Dorpat. A large part of the city had been destroyed through combat activity, but the university buildings were still standing. At that time I had the opportunity to learn that the all-purpose staff had confiscated ten to twelve thousand volumes in the Ukraine and restored them to their rightful owners at Dorpat, and I consider it out of the question that an arbitrary destruction of this old German university could have taken place on the part of German troops. I can assume only that it was the result of actual combat, if this destruction actually took place.

As far as the other details of the document are concerned, I cannot define my position. It deals with many shootings of a police nature and it deals with matters of combat activity, and of course I cannot make any statements, since it goes back to the time of retreat.

As far as the document USSR 41 is concerned, it deals with the reports of the extraordinary state commission. I would like to say only that headquarters was not at Riga, but he had his permanent seat at Berlin.

In paragraph 4 it says that the Germans confiscated the country of Lithuania; they took the property of the Lithuanian peasants for their own and exterminated men, women and children.

I would like to add this that not a single peasant estate was given to the German barons of former times. The German agrarian administration might have done this, which according to my opinion was a matter of legislation. In young Lithuanian and Estonian Republics some of this old property was expropriated. It could have been returned to the German population; but I signed a law in March of either 1942 or 1943 -- that was the "Reprivatisierungs Gesetz" -- that the Estonian peasants who had received German property at that time could keep this property, and they

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received it with solemn ceremony.

On the part of the Soviet Union, a collectivization took place of all of this property, and that is why this collectivization was made retroactive and the former proprietors as of 1919 were reinstated to their property.

I would like to mention that, on the question of Lithuania, on page 2 it is stated that through more than three years' duration the Germans made it their task, as far as factories, homes, museums, etc., are concerned, to destroy all of these buildings. I myself was in a Lithuanian museum, saw a great Lithuanian exhibition of art, attended the performances of the Lithuanian theater. All of this was carried on in the Lithuanian language, with just a few German artists. Factories were not destroyed; instead they were enlarged through the bringing in of German machinery.

Of course some protests arose from the proprietors, for the uncertainty of their own property was to be dealt with. But in any event there was never any destruction. There was an increase in productive capacity.

And finally, as far as archives and libraries are concerned, I have already discussed that when I spoke about document 035.

As far as the extermination of 170,000 civilians is concerned, I cannot take any position to the fact that police stations and security measures are concerned. I would like to point out that the local authorities looked into the matter that 40,000 Estonians and more than 40,000 Lithuanians were deported to Soviet Russia after Soviet Russia occupied these countries, and that a large number of Lithuanians and Estonians volunteered to fight the Red Army, and that on the return march hundreds of thousands of Estonians and Lithuanians asked to be taken into the Reich and many of them actually did come into the Reich.

The entire population of Lithuania was about two million people. That on the part of the German authorities 170,000 Lithuanians were to have been shot, that seems to be improbable to the highest degree.

As far as other destruction is concerned--destruction because of actual combat--I am not able to define my position any further.

The third document, USSR 7, treats with the reports of the extraordinary commission about Lithuania. On page 1, paragraph 2, it states that Rosenberg tried to Germanize the

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people, to exterminate their own national culture. Lithuania became a part of the German eastern provinces. In Lithuania the question of peasants was treated the same way as in Estonia and Latvia, although there was one difference, that here Lithuania had a larger number of German peasants on a small scale who, at the end of 1939, were taken into the German Reich, and when the Germans marched into Lithuania they were returned to their original settlements. They were to be recolonized in a concentrated manner as far as possible; and that corresponds to the facts.

I cannot agree with anything else that is down here. As far as the extermination of national culture is concerned, that does not look true to me at all. I know that collaborators of my office were very much concerned in working with the representatives of the Lithuanian folkdom, and that many themes were written and that much reform was carried on in these countries. I cannot imagine that any arbitrary destruction could have taken place.

I remember that in the capital city of Kaunas administrative officers came to me and said that they had worked in the towns for five days, even though the city was being bombarded by Soviet artillery. That, of course, many buildings were destroyed in that activity, I can see that; but I am not able to make any observations of personal experience.

Now I am passing to document USSR 51. In the note of the Commissar for Foreign Affairs, dealing with the 6th of January 1942, destruction of cultural values of these three Baltic states is mentioned. I would like to refer to what I have already said to the documents that I discussed just now. On page 2, column 1, it is stated that the Germans murdered the population and pillaged. I would like to reiterate the expositions that I have already made.

On page 6, column 1, at the beginning, it says that the Germans in their rage, as far as the three Baltic countries are concerned, destroyed monuments, literature, schools. But that is not in accordance with the facts.

The note of the commissar of the 27/4/42, which has been read here repeatedly and in detail, on page 1, column 1, makes the same assertion that the pillaging of the soil had taken place. I would again like to refer to the statements I have just made.

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On page 7 it is stated that the Germans had the objective and actually carried through the plundering of soil and that there was no compensation made. I would like to say -- I do not wish to make any lengthy statements about the laws of the new agrarian order (the laws which were to strengthen the agrarian movement) -- Leica (?), who has been granted as a witness, can give expert testimony.

After the Soviet Prosecution accused me and then withdrew its accusation that I was a former Czarist spy, I do not need to reply to that.

As far as the various quotations are concerned which have been submitted, I cannot check them in detail. But in one case it is possible for me to give an explanation on this point at this time. I am concerned with page 9, column 1, at the top, where the commissar deals with the so-called "Twelve Commandments" on the demeanor of Germans in the East.

H0111-0105

There is a quotation from which it can be concluded only that it is a quotation from a German directive or out of a German directiv. The twelve commandments were submitted by the Soviet prosecution to the high Tribunal, under USSR 89. It deals, as it has been established there, with a directive of the State Secretary Backe, dated the beginning of June 1941, a directive which I have just seen here now, and the quotation which I mentioned before seems to be a compilation of fragments which were actually dispersed over a page and a half of the document and these fragments are not given in their proper sequence. They are given in a completely different series from what they are in the document.

I would like to call your attention to a change in words. It said under point 6 of these commandments "You must therefore establish for an experienced leader; you must there take the most severe measures as required by state of necessity and you must carry them through with dignity. Lack of character on the basis of the individual will bring about his being recalled. Anyone who is recalled for such reasons cannot any longer have a decisive position in the Reich." In the quotation official note it says "Therefore, you, yourself, will have to take the most cruel measures which will be dictated by German interests and you will carry them through with dignity, otherwise you cannot have any responsib position at home any longer." Therefore, instead of the words "harsh" and "severe" the word "cruel" has been substituted -- in place of the words "because of necessity of state," it just said very generally "German interests," and as far as "a lack of character" very generally it is set down that "if you do not carry through the most cruel measures you cannot any longer have a responsible position." I would not want to identify myself in any way with these twelve commandments but I would like to state that on page 3, in part 7, where it says "be just and decent and modest and in part 9, "do not be Russian baiters; the Russian youth has been educated for Communism. Russian youth doesn't know any other training and it is senseless to try and punish the past."

H0111-0106

I believe that Mr. Backe, who used perhaps stronger language -- that does not mean that he meant extermination.

Now, I am passing to the accusation on the part of the Polish Government. It just concerns me in one point only. On page 20, under point 5, it is stated that the expleitation and the carrying off of art objects was centralized under the office of Rosenberg in Berlin. That is incorrect, as was shown by the report of State Secretary Muehlmann, and in this report which has been read, an entirely different department was responsible for the safeguarding and securing of the objects of art and furthermore, I already read a directive by Lammers, dated the 5th of June 1942, in which the Government General was expressly excluded. I must, however, admit that in one case, in the beginning of the activity of the Einsatz staff, the art collection was confiscated and taken to the Reich. That action, of course, was not correct. There was correspondence later with the then Governor General Frank and myself and it shows in my record that we had agreed that naturally this collection was to be returned. The incorrectness of the accusation may be seen also that it is contended here that I had, through my all-purpose staff, and the various departments, that I had an office "East" for Poland. The incorrectness of this statement may be seen from the fact that the so-called "special purpose staff" which was established for the various departments were actually expert staffs and besides them, working groups had regional problems and tasks. I could not have an office "East" for Poland and at no time was the concept "Poland" ever used in official circles -- only the term "Government General," and I believe I can be satisfied with this explanation. Besides that, there is a number of other general documents which had been submitted from Smolensk and from other cities, which show destruction and quote police measures, but as far

H0111-0107

as these points are concerned, I cannot testify here.

I would like to refer to document 073-PS, which several days ago was submitted to the witness Lammers. This document is concerned with the transmission of a document of the Foreign Office, in which there was a misunderstanding, in which it had been said that the Soviet prisoners were subordinated to the Reichminister for the Occupied Eastern Countries. In the introduction, it can be seen that exclusively, we are concerned with the propaganda work which Minister Goebbels considered his special province, in preference to the Foreign Office. The Foreign office, as far as prisoners of war are concerned, said that they had confidence with the exception of spiritual and propaganda matters. The Foreign Minister took care of this kind of spiritual and other material as to the prisoners. This statement, that they were not bound by the Geneva Convention and these decrees came from the Fuehrer's headquarters in the East.

Q Witness, in the course of this proceeding, at least four times, you have been accused of the matter of gold dealings in the East. You have been accused of dealings in this connection. Furthermore, a document has been submitted regarding the the treatment and dealing of the Jewish question and a further document deals with arson and Jewish action also in the Province of Minsk. Will you please tell us what you have to say in that connection?

A I might give a general answer to the many reports that were given by the hauptamp office. In the course of twelve years of my Party office and my three years in the Foreign Office, many reports spiraled, and so forth, and were deposited in my office. I knew some of them, some of them I had received oral knowledge of, and others more important and some not important, which I was unable to take knowledge of. As far as these documents are concerned, I must say to document 212-PS, that that seems to be a matter which was deposited in my office, which had no heading and which had no signature and does not give any other details. It was the document which I never received personally but about which I assume that in all probability, it originated from police circles and was given to me by the police. I cannot define my position as to the contents of this document.

H0111-0108

As far as document 1104-PS is concerned, which deals with the terrible incidents in the City of Slutsk, it seems to be a report of November 1941, and I must say in this connection, that this report was known to me. This report I recall with dismay, in the Foreign Office, and as is seen here, my permanent representative Gauleiter, Dr. Meier, took a copy of the complaints of the civilian administration, together with the critique of the civil administration, of the police, and submitted this copy to the Chief of the Police at that time, Heydrich -- who submitted this for investigation. I must say that the police had its own courts and jurisdiction, in which the local ministry could not interfere but I am unable to say here what measures Heydrich took, and as may be seen from here, I could not assume that an order which was confirmed by a witness here yesterday, was given Heydrich or Himmler by the Fuehrer. As far as this report is concerned, and many others which I received in the beginning, regarding shootings of saboteurs and shooting also of Jews, about pogroms by the local population in the Baltic States and of the Ukraine, I took them as aspects of the war. I heard that in Kiev a large number of Jews had been shot but the greater part of the Jews of Kiev have left the city, and these reports showed the terrific harshness and also as far as there was an order for the personal destruction of the entire Jewry is concerned, that I cannot believe and if in our polemics the extermination of Jewry is talked about, I must say that this word, of course, must make a terribly bad impression but maybe out of the conditions pertaining then, was not to be considered and interpreted as a personal and individual destruction of all Jewry. I must say that the British Prime Minister, Mr. in an official speech the 23rd or 26th of December, said in the Lower House, as far as the complete extermination was concerned --- I read his

H0111-0109

speech but I did not assume that when he talked about Prussian officers that he meant all National Socialist Officers.

Regarding document No. 135-R, I would like to say the following. It is dated 18th June 1943. On the 22nd of June, I returned from an official visit to the Ukraine. After this official visit I found a number of notes about discussions. I found many letters and, above all, I found the Fuehrer decree which I had heard about orally, which dated from the middle of June 1943, in which the Fuehrer instructed me to be guided about basic principles as far as the giving of lives was concerned and I am not to concern myself too much with the administration in the East. I was impressed when I returned from this journey and I did not read this document, but I cannot assume that this document was not mentioned to me by my subordinates--my subordinates were very conscientious and I can assume only that in the course of their reporting to me, they told me that another great complaint between the police and civilian administration was again at hand, for many complaints of that nature had arisen in the past and I heard that it is possible, and said "Please give this to Gauleiter Meier; give this to the police officer as a liaisen officer so he can investigate these matters," but otherwise these terrible details would have remained in my memory. I cannot say any more to this matter. When I was questioned about this matter, I said what I have said now.

DR. THOMA: Now I wish to submit to the Tribunal as Exhibit RO-13 a memorandum by Koch to Rosenberg as to complaints about the critique of Rosenberg and justification of his policy in the Ukraine, dated 16 March, 1943 and a letter by Dr. Rosenberg to Dr. Lammers, dated 12 October, 1944 in which he states he wishes to resign. May it please the Tribunal, RO-13, Memorandum Koch to Rosenberg --

THE PRESIDENT: What is the number?

DR. THOMA: RO-13 192-PS, document book number two, page 14. I would like to read this to the Tribunal personally and I would like to make some introductory remarks.

THE PRESIDENT: It is a very long thing, Dr. Thoma. You do not need to read it all surely.

DR. THOMA: I shall not read all of it, your Honor. But I have the opportunity of presenting State Secretary Riecke as a representative of the Eastern Ministry and that witness, when he appears before the Court will show that the best officials which the German Reich had at its disposal were used in the East and that these officials were very conscientious in checking on complaints.

In addition to what we heard today many terrible things have been pictured to the Tribunal and in four or five years many terrible things did happen in th East. The question now is just what --

THE PRESIDENT: The Tribunal are simply asking you not to read the whole of the document which covers many pages. That means you can go ahead and read the essential parts of it.

DR. THOMA: Therefore, I would like to assert that each and every complain which was received by the Eastern Ministry was followed up.

"Various decrees issued recently by the Reich Minister for the Occupied Eastern Territories in which my work was critisized in an exceptionally severe and offensive manner and which have resulted in obscuring interpretation of policies as well as my legal position, have induced me to present the following report to you, Mr. Reich Minister, in the form of a memorandum".

Now, remarks follow which show that the Eastern Ministry investigated eve

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the most modest complaints. He said for instance:

"Thus your Ministry reports to me with the decree of 12 January 1943 that Anna Prichno of Smygalovka, an Eastern worker, had complained that her parents who remained in the Ukraine could not pay their taxes. I am not only asked to cancel these taxes or to reduce them by half but to 'report on my action'."

On page 13:

"Lately numerous single complaints from Eastern workers employed in the Altreich have been passed on to me and on each single case I have been asked to give a report, usually on such short notice that it was impossible to comply with the request."

On page 15 and 16:

"Hence, I found it strange (as Gauleiter Koch says) to have the decree of 1/41 of November 22, 1941, state that the Ukrainians were strongly permeated with German blood, which fact was to account for their remarkable cultural and scientific achievements. But when on top of this a secret decree of July 1942, to which I will refer more closely at the end of this section, declares that very many points of contact exist between the German and Ukrainian people I find it no longer only strange but I am astonished. This decree demands not only correct but amiable manners in dealing with Ukrainians

Subsequent to that I would like to quote several other quotations.

"In the following I would like to give a few more examples of lack of reserve towards Ukrainians. For instance, by decree of 18 June, 1942, I was informed that you were procuring 2.3 million marks worth of Ukrainian schoolbooks, charged to my budget without even contacting me about it previously."

THE PRESIDENT: Do you think it necessary to read all this? I am not quite sure how far you have gotten because I have been reading on.

DR. THOMA: Mr. President, may I make a remark please? I have already made my selection. However, I will try to be more brief.

On this page you will find at least one complaint about the conscientiousness with which Rosenberg followed these complaints up. It is elaborated upon but I will be very brief.

"It is not necessary that your Ministry stress as it does by many written and oral messages over and over again that any violence in recruiting of workers has to be discontinued."

H0111-112

And then there is one further very brief remark:

"And if more decrees are issued against flogging I will make myself ridiculous. These hangings were very few."

And now we come to a very important point which I would like to call to the attention of the Tribunal. Gauleiter Koch reported to the Fuehrer and said:

"Nobody has ever asked me, as a former Gauleiter, that I should submit to him articles I write for none but the Fuehrer can absolve me of the political responsibility for an article signed with my full name.

"Finally, in addition to these explanations of the jurisdiction of my responsibilities I would like to reiterate the relations between the Fuehrer and the Reich Commissioners. As an old Gauleiter I am used to consulting with my Fuehrer directly in all my problems and requests and this right in my capacity as Oberpresident has never been denied me even by my superior minister. However, I have gained the impression that steps were taken by the Minister of the East to deny me this right. By decree of August 1942, the subordinate officers are requested not to report directly to the Fuehrer.

"I must state here that in my position as an old Gauleiter the Fuehrer has repeatedly given me his political directives and that occasionally he even expressed his political viewpoint on the Ukraine."

On page 15 he says:

" I have stated expressly that I must reject responsibility for labor recruitment for Rosenberg has ordered that an amiable recruiting system is to be followed."

At the end he says:

"My position has been curtailed and it can only be refered to the Fuehrer."

There was a conflict in front of Hitler at the Reichschancellory between Rosenberg, Bormann and Koch and the result was that Bormann supported Koch and he was upheld and Rosenberg was notified to limit himself to essentials only.

On the strength of that the defendant tried to resign.

H0111-113

BY DR. THOMA:

Q. I ask the defendant to tell us about that which is in document book number two, page 27.

A. I would like to remark--

THE PRESIDENT: Dr. Thoma, I think we had better adjourn now for ten minutes.

(A recess was taken.)

H0111-114

BY DR. THOMA:

Q Witness, some days ago the documents have been mentioned from which it becomes clear that the District Suman (?) was to be the hunting district for the Reich Commissioner, and for that reason hundreds of people were shot down because resettling them would have been too complicated and too lengthy. Will you make a statement about that?

A As time went by I received a number of statements regarding atrocities committed in the East. Upon investigating them, it was found that these reports did not conform with facts. In this particular case this report appeared so credible to me that I made it the cause to report to the Fuehrer directly, considering that I was having trouble with Gauleite Koch in any case. Apart from other questions, the question of schools in the Ukraine had arisen; so had the question of establishing high schools and certain personal statements from Koch, which I submitted in the form of complaints of mine, and I also submitted this report I've just mentioned.

When reporting to the Fuehrer, Reichsmarshall Koch submitted a statemen for the Forest Administration of the Ukraine, from which it appeared that these forest districts were suitable for supplying timber for railway construction and such woods were to be used for this purpose, but the bandits and partisans were hiding in these woods, and in which he stated that such a task, in consideration of the obscure situation, might be very difficult. It was stated that Koch, though not in the interest of his hunting, but because of the care he wanted to take for his district, had started a cleansing action and that in the course of that a number of partisans and bandits had been found who had been shot. The remaining population from these wood districts had been resettled. When Koch added, in addition to the statement from the administration, that a number of these resettled persons had expressed their gratitude for the fact that they had t taken to a better country than they had lived in in these woods, the Fuehrer shrugged his shoulders and said, "It would be difficult for me to decide. I have the statement from the Forest Administration from the Ukraine and I must accept that. I leave the matter alone; and the other decision

H0111-115

regarding the policy will be sent to you."

This happened in July in the shape of a decree which is amongst my files here, but which, unfortunately, has not been found. It is a decree about which witness Lammers has spoken and which in principle states that the Reich Commissioner must not make obstruction and that he was to confine himself to principle matters. His decrees should go to the Reich Commissio for his information and, in the event of conflicts, the decision of the Fuehrer should be gotten.

Following that decree from the Fuehrer, I made a renewed attempt to represent the views which I considered right. But I will, of course, not deny that on several occasions, due to pressure exercised by the Fuehrer and Bormann, I became a little weary. And when it was said in clear-cut points that I was apparently more interested in these Eastern people than I was in the welfare of the German mission, I made some reassuring statements; but my decrees from then on continued in the old established way. As I can now ascertain, I reported to the Fuehrer on eight different occasions in this particular matter; I submitted written petitions and I rectified my decrees as desired.

When, in 1944, the Reichsfuehrer SS, too, occupied himself not only with his police affairs, but also politics in the Eastern Territories, and when, in November, '43, I could no longer report to the headquarters at all, I tried for the last time to make a suggestion to the Fuehrer regarding a generous Eastern policy. At the same time, I told him very distinctly, if he should refuse, I would be glad if he would relieve me from any further posts. In this connection I'm referring to a letter from Dr. Lammers of 12 October 1944, at the beginning of which it says that, in the face of current developments and Eastern problems, I was asking that he should submit this letter of mine to the Fuehrer personally. I am saying that I was considering the manner in which the German policy in the East was being handled as being so unfortunate; and that, at the same time, I wasn't included in the negotiations; and that, nevertheless, I was being made responsible for them, and I was asking him to submit my letter to the Fuehrer as soon as possible for his decision.

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Dr. Lammers immediately transmitted the letter to the Fuehrer's secretary. In the direct letter to the Fuehrer I am saying--this a lengthy letter, and I am only quoting a few passages. On Page 2:

"For observation and direction of this development I have created leading departments for all Eastern peoples in the Ministry for Eastern Affairs. It has now been found that they have been well employed. They also contain representatives from the various regions, and it would appear in the interest of German policies. They may be recognized as national committees." End of qotation.

This central department which is mentioned here had the task to see to it that the representatives from all Eastern nationalities could raise complaints from their nationals. They could raise them personally in the Eastern Ministry, which in turn would mean that such complaints would be raised with the German labor authorities in question or the Plenipotentiary for Labor.

On Page 5 I am saying that the Eastern Ministry during recent times, and as far aspolitical psychological leadership was concerned, had reported to the Chief of the Reich Chancellery in a letter, and I say: "I am asking you, my Fuehrer, that I may report the contents of it to you as well." This is a reference to a further report I am making.

On Page 36: "I am asking you, my Fuehrer, to tell me whether you still desire my activity in this direction, for since it was not possible for me to report to you orally, the problems of the East are brought to you and discussed from various sides, so I must, in consideration of this development assume that you, my Fuehrer, do not consider this activity of mine as necessary any more. In addition rumors are spread by sources unknown to me of the dissolution of the East Ministry, in fact even that these rumors are used in official correspondence to the highest Reich authorities as a reason for various demands which have been made. Under such circumstances efficien work, my Fuehrer, is not possible, and I ask you to give me directives as to how I should act in consideration of the state of affairs which has developed."

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In the middle of the next paragraph I am pointing out this conception provided for in my speech of the 20th of June, and in my protest during the meeting of the 16th of July, and it says:

"This conception provided that in order to mobilize all the national forces of the Eastern peoples, the voluntary promise to them in advance of a certain autonomy and the possibility of cultural development, with the aim of leading them against the Bolshevist enemy. This conception, which in the beginning I ventured to assume you approved of, hasnot been carried out, because the peoples were treated in an opposite way politically. Solely and only because of the agrarian order of 1942 approved by you has their willingness to work been maintained to

H0111-118

the end by encouraging among them a certain hope of acquiring property".

And attached to this letter to the Fuehrer there is a suggestion of mine for an adjustment of the Eastern policy, which is reiterated for the last time, and in paragraph 2 on page 1, it says that the spokesmen attached to the Eastern Ministry are used by him in the name of the Reich Ministry, and at a point to be fixed by the Fuehrer are to be recognized as national committees means that these will be spokesmen on behalf of the people which they represent.

And on page 2 in the middle, it says: "In the leadership of the peoples of the East--

THE PRESIDENT: Is the Tribunal interested in all this detail? The substance of it has been given by the witness, has it not ? He has summarized the whole letter before he began to read any of it. There is nothing new up to now.

DR. THOMA: Mr. President, the defendant wanted to summarize briefly what his conception was, namely, autonomy, free cultural development, and that was the basis of the controversy with Koch, namely, that Koch was favoring a sort of exploitation and that he was emphasizing it. That was the reason why he wanted to say once more what the whole plan and his conception regarding the Soviets was.

H0111-119

But I can now leave this problem, but before I turn to the question of the reconstruction in the Ukraine I want to have the defendant make a statement on the subject of the treatment of prisoners of war. Document Book 081. Unfortunately I shall have to have the original given to the defendant -- wait a minute, here it is.

THE PRESIDENT: Is it anywhere in your books? Is it 081-PS?

DR. THOMA: It has been submitted under a USSR exhibit number.

BY DR. THOMA:

Q. Have you got it, Defendant?

A. It is USSR 353.

The complaints regarding prisoners of war came from various sources, and fairly near the beginning of the activity of the Eastern Ministry, and then later on, particularly during that dreadful winter, 1941 and 1942.

These complaints, which were raised by travelers or officers or soldiers, were reported to me by my political department, and we passed these complains on to the military sources concerned, together with a request that they should be considered, for reasons which must have been generally understanable.

These complaints were received frequently, and my officials as time went by stated to me that they had a great deal of understanding with these wishes, particularly for the wish stated by us that prisoners from these large prisoner of war camps should be selected according to their nationality to be taken to smaller camps in accordance with their nationality. This sorting out according to nationality and the human treatment would be an excellent solution because of the very numerous complaints mentioning the death of thousands of Soviet prisoners.

I received a report more than once that during battle when units of the Red Army were defending themselves in such a tough way and would not surrender when they were so hungry and so completely exhausted that when they were captured by the Germans there were numerous cases of cannibalism among these soldiers, but that nevertheless these soldiers were too tough to surrender.

The third complaint I received referred to political kommissars who were being shot, and that complaint too, was passed on by us, but that an order

H0111-120

existed in this connection was unknown to me.

We learned from other reports when we heard that a number of German prisoners which had been liberated were often found dead or crippled, that in this connection there must have been a case of police or other type of reprisal. Later on I had been informed that such shootings were prohibited, and I came to the conclusion that political kommissars were members of the Red Army.

Here is Document 081-PS. It has been stated by the Prosecution that this is a letter from the Minister for Eastern Affairs to the Chief of the OKW. The document was also found amongst my files, but it is not a letter originating from me to the Chief of the OKW, General Fieldmarshal Keitel. It was obviously deposited in my office by the sender. In the left-hand top corner on page 1 it appears that there is a figure I, 1, which means Main Department I, Sub-department 1. In the case of letters originating from me such a reference would always be absent, since I was not a sub-department of any kind.

Furthermore, letters of mine to the Chief of the OKW would always have the personal character of either having the name of the addressee, or they would have the personal address. Chief of the OKW is the office, the service department, just as the ordinary address would be the Reich Minister for Occupied Eastern Territories and would not be employed in the case of a personal letter to me, but in the case of a letter written to the office.

H0111-121

Only if my name is stated or if there is a personal address can it be a letter addressed to me.

This letter is raising strong complaints referring to the reported conditions and state of affairs in connection with prisoners of war of Soviet Russian nationality, and it is apparently based on the numerous complaints which have been received by means of information from relatives. Apparently, the sender considered these complaints as being true, and he wrote to the military authorities and sent them such a letter of complaint.

I won't go into the details, but I will take the liberty of reading one final passage in connection with which I will state that it is in keeping with the spirit in which I have made efforts to educate my collaborators. On the other hand, they thought that they ought to act in the same sense. It states, literally, on page 5, that the main --

THE PRESIDENT (Interposing): What is the date?

A (Continuing): The letter is dated 28 February 1942. That is to say, it was the winter of that dreadful frost. It goes on to say:

"The main demand will have to be the one that the treatment of prisoners of war must be carried out in accordance with the laws of humanity and in accordance withtthe dignity of the German Reich. It is conceivable that the numerous cases of inhuman treatment which have been ascertained have been allotted to German prisoners of war by the Soviet Army. They have embittered the German Army to such an extent that they wish to take reprisals. Such retribution, however, is not improving the situation of German prisoners of war, but will, in the last consequences, lead to the situation that both parties will no longer take any prisoners at all."

I merely wanted to quote this letter because there are no other documents regarding the activity of my political department, and because this is an example of their work, I think that this will clarify the question.

DR. THOMA: Mr. President, this was going to be the end of the questions relating to the eastern territory. I will submit an affidavit from Professor Dr. Stanger referring to the employment of machinery in the Ukraine. This affidavit contains the following --

THE PRESIDENT (Interposing): Have you finished your examination now ?

H0111-0122

DR. THOMA: I have finished the questions relating to the Ministry for Eastern Affairs, and after that I shall have a few more brief questions.

THE PRESIDENT: The Tribunal has seen this affidavit recently so there is no need to read it. We saw this affidavit the other day and read it when you considered it. Now, if you will give us the exhibit number.

DR. THOMA: R-035. This deals with machinery which had a value of 180 millions, and it was delivered to the Ukraine.

BY DR. THOMA:

Q Witness, were you a member of the SA or SS?

A No, I belonged to neither the SA nor SS.

Q So that you have never worn SS uniform?

A No.

Q Did you know anything about concentration camps?

A Yes. That question, of course, has been put to everybody

H0111-0123

and the fact that concentration camps existed became known to me in '33. But although this may appear a repetition, I must nevertheless state that I knew the name of two concentration camps, Oranienburg and Dachau.

When these institutions were explained to me, I was also informed, amongst other things, that in one concentration camp there were 800 Communist agitators who sentences averaged four years of prison or penitentiary. Based on the fact that this was carried out by legal means, but nevertheless was something revolutionary, I had, of course, considered for some time that protective custody for certain persons might be decreed. But at the same time I saw and heard how our toughest opponents, against no accusations of criminality could be raised, were treated so generously that our strongest opponent, the Prussian Minister Severing was retired with full pension as a minister, and that attitude particularly was felt by me to be National Socialistic. For that reason I had to assume that these new institutions were, first of all, a state political necessity, a conviction which I certainly did have.

Q Did you participate in the evacuation of Jews from Germany during the war?

A Well, I should add in this connection that I never visited any concentration camps, neither Dachau nor any other one. I think in 1938 I questioned Himmler about concentration camps and I told him that I had heard from the foreign press quite a lot of detrimental news, and asked him what was true about it. Himmler told me, "Why don't you come along and have a look at Dachau and take a look at things? We have got a swimming pool there. Our sanitary installations are first class and no objections can be raised."

I didn't visit the camp because if something improper had been going on, then Himmler, upon being asked such a question, would probably not have shown it to me. On the other hand, I thought that it was a question of bad taste if I wanted to watch people who had been deprived of their liberty, but I thought that it would be a good thing if I pointed out to Himmler that such rumors were becoming known.

H0111-0124

A second time, later on--I can't tell you whether it was before or after the outbreak of war--Himmler himself touched on the subject and spoke about the so-called biblical scientists, a matter which has often been raised by the Prosecution and called the persecution of a religion. Himmler only told me that it was impossible to suffer refusal to serve in the armed forces considering the condition the Reich was in, that it would have terrible consequences, and he went on to say that he had often personally talked to these detainees so that he could understand them and convince them. That, he said, had been impossible, however, because they replied to all questions with quotations from the Bible which they had learned by heart, so that nothing could be done with them. From that statement of Himmler's, I gather that if he was telling me such a story he couldn't possibly prepare a shooting action against these Bible scientists.

An American chaplain has very kindly given me in my cell a church paper from Columbus. I gather from that that the United States, too, were detaining Jehovah's Witnesses during the war in

H0111-0125

prisons and in camps, and that until December 1945 12,000 of them were still detained in such camps. Presumably, under similar conditions, every state would proceed against such a refusal to carry out one's war service in some form or other.

That, of course, was my attitude, and I couldn't call Himmler wrong in that connection.

Q A few more brief questions. Did you intervene in the case of Pastor Niemoll.

A Yes. When the case of Niemoller was heard before the courts in Germany, I dispatched an official from my office to that trial because I was interested in i both from the official and the human point of view. This official -- his name was Dr. Zigar -- made a report to me from which I gathered that the indictment was partly based on misunderstandings on the part of the authorities, and that partly he wasn't as seriously incriminated as I had assumed.

That report was given to the deputy of the Fuehrer, Rudolf Hess, and I asked him whether he couldn't think about the case. Sometime later, when I was with the Fuehrer, I brought the conversation around to that subject, and I said that I had considered the whole proceedings to be most unfortunate, and particularly the outcome they had had. The Fuehrer told me, "I have only demanded one statement from Niemoeller, and that is that he as a clergyman will not make speeches against the state. That he refused, and I can't let him out. Apart from that, I have given orders that he should receive the most decent treatment possible, that he, being a constant smoker, ought to have the best cigars, and he must have the possibility of carrying out all the scientific research he wants to."

I don't know on what reports the Fuehrer based this statement, but as far as I was concerned it was so clear that I could not intervene any further in the matter.

Q We come to the last question but one. Is it true that after the seizure of power you, on your part, had to have your attitude towards the Jews investigated, and that the whole treatment of Jews immediately after the seizure of power was bringing about a certain amount of doubts, that originally it had been thought of treating the Jewish question completely differently?

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A I won't deny that during that time of struggle, until 1933, I too had used very strong words and published them in this connection. Many hard words and suggestions appeared in that connection. After the seizure of power I thought--and I also think the Fuehrer thought the same--that one could distance oneself from the whole thing, and that a certain parity and honorable treatment on the question was to be introduced. Under "parity" I understood something which I stated in a public speech on the 28th of June, 1933, and also during the Party rally in September of 1933, quite publicly, something which was published and which came over all the broadcasting systems. That is, that in my opinion it was not possible that the hospital system in Berlin had 80 per cent of Jewish doctors and that 30 per cent would be parity.

I stated, during the Party rally, that we had heard about conditions and that the Reich Government, in connection with these measures of equality, was making exceptions for all those members of the Jewish people who had lost a relative during the last war, be it father or son. The expression I used was that we would now have to make efforts to solve the problem in that manner.

What happened, in spite of that, is a tragic story, and I must state that the activities in connection with the emigration, or in support of this emigration to numerous states abroad, had brought about the result that the situation deteriorated and that matters had occurred which were regrettable, and which deprived me of my inner strength to continue in the manner which was demanded of me.

As I said, whatever was mentioned in this secret police document which has been mentioned here, and what has been testified to the other day in this courtroom, that was something which I considered absolutely impossible and I would not have believed it even if Heinrich Himmler had told me so himself. There are things which, even to me, appear to be humanly impossible, and this is one of them.

DR. THOMA: I have one last question, and in that connection I want to refer to document NO-15. 3761. This is contained in the document book,

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but it has not yet been submitted to the Tribunal with an exhibit number. It is a letter from Rosenberg, addressed to Hitler, containing the request that he did not wish to be nominated as a candidate for the Reichstag.

BY DR. THOMA:

Q Witness, you have talked about all the phases of the development of National Socialism from its beginning until its dreadful end, and you have participated in it, you have watched its honorable rise and its dreadful descent, and you must know that everything meant one person. Will you inform this Tribunal what you did yourself and what efforts you made to see to it that not all power was centralized in that one person? And will you tell the Tribunal what you have done so that the effects were alleviated?

First of all, I am showing you this document, and then Document 047, which has also been submitted to the Tribunal under the number USA 725.

(The documents were submitted to the witness.)

A It is a fact that I have experienced this National Socialism movement from its very beginning, and that I was completely loyal to a man who, during these years of struggle, was admired by me, because I could see his personal devotion and the passion with which this former German soldier was working for his nation.

As far as I personally am concerned, this letter refers to a phase--

THE PRESIDENT: Dr. Thoma, exactly what is your question to the witness? We don't want him to make a speech. We only want to know what question you are putting to him.

BY DR. THOMA:

Q What suggestions did you make, and did you represent them in public, regarding the limitations on the Fuehrer's power?

A I must say that I, in full agreement with Adolf Hitler, and in my book "Myths of the 20th Century", have represented the view that the leadership principle could not be applied to one head but that both the leader and those he leads have a joint duty. I also stated that this conception "leadership principle" should have its climax in the

H0111-0128

establishment of a senate, or, as I considered it, a council, which would have a correcting and advisory capacity.

That point of view was emphasized by the Fuehrer when he had a senate hall built in the Brown House in Munich with 61 seats, which he himself considered necessary. I once more represented that same thought during a speech in 1934.

THE PRESIDENT: The Tribunal doesn't think this is in answer to the question as to what he did to limit the Fuehrer's power. We want to know what he did, if anything, to limit the Fuehrer's power.

DR. THOMA: In public speeches and before enormous meetings statements were made. I draw your attention to a document in book 1, volume 2, at page 118, where he has publicly pointed out--

THE PRESIDENT: Dr. Thoma, I didn't want you to point it out to me, I wanted the witness to point that out to the Tribunal.

BY DR. THOMA:

Q In that case, will you concentrate on those two speeches which you have made?

A I can quote the speeches, but they are not a direct answer to the question either. They signify that I have stated that the Socialist State must not breed a caste which would reign over the German nation, and that the leader of the German nation must not be a tyrant. However, I have never seen Adolf Hitler as a tyrant. Like many millions of National Socialists, I have trusted him personally on the strength of the experiences I have had during 14 years of struggle. And his personal powers were not limited by me; I did not want to limit them, conscious as I was that this was a personal exception for Adolf Hitler. That is, this was not the National Socialist conception of a state. However, this would not mean the leadership principle as we understood it, or the new order for the Reich and its future.

I have served Adolf Hitler loyally, and what the Party may have done during those years--that was supported by me too. And the effects, particularly those of the wrong masters, were branded by me, in the middle

H0111-0129

of the war, before political leaders, when I stated that this concentration of power as it existed at that moment, during that war, could only be a phenomenon of the war and could not be regarded as the National Socialist conception of a state. It might be comfortable for some one, it might be comfortable for 200,000 people, but to carry it on later would mean the personal death of 70 million.

I said that in the presence of the Higher SS Leaders, and before the Gauleiters and other political leaders. I got into touch with the leaders of the Hitler Youth, fully conscious that after the war a reform would have to be carried out in the Party, so that the old ideas of our movement, for which I had fought, would be reestablished. However, that was not possible; fate has finished the movement and things went a different way.

Q Can you, witness, state a concrete fact from which it arises that the Party, right from the beginning, did not have the plan to take over power alone, but that it was going to collaborate with other parties?

A That, of course, is a historical development over 14 years. If I can utilize that letter in this connection, then I would like to say, for instance, that at the end of 1923, after the collapse of the so-called Hitler revolt, when the representatives of the Party were either captured and detained or had emigrated to Austria, and when I remained in Munich together with a few others, I represented the point of view at the time that there had to be a new development and that the Party would now have to justify itself in the struggle of parties.

The Fuehrer was detained at Landsberg, and he turned that suggestion down. My collaborators and I continued to try to influence him, however, and the Fuehrer wrote me a long, hand-written letter in which he once more reiterated the reasons why he didn't like my suggestion.

H0111-0130

Later on he had, nevertheless, agreed. In this letter here before the Tribunal I asked him not to nominate me for the Reichstag, and the reason was that I did not want to achieve the advantages of a member of the German Parliament, and the second reason was because I considered that I had been in Germany for too short a time, so that after so few years of my activities I didn't think I could expose myself so much.

DR. THOMA: I have no further questions.

THE PRESIDENT: Do any of the Defendants Counsel want to ask any questions

DR. SERVATIUS: Dr. Servatius, Attorney for the Defendant Sauckel.

BY DR. SERVATIUS:

Q Witness, during September and October 1942 you received several reports regarding conditions in connection with recruiting of workers in the occupied eastern territories. Did you investigate to find out whether the statements contained in these reports were the truth?

A The details which were received by the ministry for eastern affairs were investigated continuously as the years went by, and I have asked the Tribunal to hear the expert on the question, Dr. Beil, as a witness here. This request has been granted by the Tribunal, and I now here that he is sick and that he can only give a written statement in which he reports his experiences. From my own knowledge I can say the following:

Dr. Beil and the so-called central department for people of eastern nationalities were reporting these things to me frequently. In a letter which ha been mentioned I transmitted them to Sauckel, and they continued to reach the Reich Commissioner for the Ukraine or any other administrative officials, together with a request for a reply, and some of these details proved correct, whereas some others proved untrue and exaggerated. As far as I know the general plenipotentiary, Sauckel, has gone into the complaints he received from me and made them the cause for his own intervention. The German Labor Front too, responsible for the welfare of all foreign workers in Germany, continuously negotiated with the ministry for eastern affairs and has made requests continuously.

Eventually, at the end of 1944, Dr. Ley, as the chief of this welfare department, thought that he could inform me that after considerable difficul-i

H0111-0131

ties the trouble have been surmounted and good conditions had at last been achieved. I replied to him that I wanted to express my pleasure in that connection.

I kept receiving reports that one or the other thing was still going wrong. The active execution was carried out by members of my ministry together with executives of the German Labor Front, and they went to inspect a number of labor camps so as to investigate the complaints and then have them alleviated by means of the German Labor Front.

Q You are mostly talking about conditions in Germany, aren't you, which didn't come under your juridiction. In the memorandum of the 16th of March, 1942, which has been mentioned, a reply to your complaints -- in that memorandum you are telling Koch that he must only use legal means and that the guilty persons must be properly prosecuted. Was that your reaction to the reports?

A Yes, it was, because until December 1942 there had been a number of complaints already.

Q And what did Koch reply?

A Koch replied to me that he in turn was also wishing to employ legal and lawful means, but in the document which has been read today, his report dated the 16th of March, 1943, he made several complaints that I didn't always believe his assurances, but that in every case did the minister for eastern affairs not only intervene but even asked him to make reports regarding these instructions.

Q So he denied considerable wrongs, did he ?

A Yes, he denied them. He only referred to one particularly drastic case in that document, namely, that certain houses had been burned down in Volhynia because those who had been called upon to work had resisted by force, and he said that he had no other means. This case in particular caused new reproaches on the part of the eastern ministry.

Q Was he entitled to such measures, in your opinion?

A Reich Commissioner Koch had jurisdiction over the execution of all orders coming from the departments in the Reich. He was responsible for their execution and he was responsible for orders for the execution. He had at least

H0111-0132

I believe, often overstepped the limitations of his instructions and acted on h his own initiative, and as he thought in the interest of war economy. He introduced measures which sometimes I heard about and sometimes I did not. As appears from the documents --

THE PRESIDENT: The question you were asked was whether in your opinion he was entitled to burn houses because people

H0111-0133

refused to work, and you have given that long answer which you have just given. It seems to me to be no answer to the question.

A (continued) The right for the burning down of houses, in my opinion he did not have. That is why I intervened and he tried to justify himself.

Q To carry out the recruitment of laborers, recruiting was to be carried out with a certain amount of administrative coercion. How far was that permissible? Is there legal and illegal coercion? How do you judge the measures which were carried out in practice?

A Until late in 1943 I insisted on voluntary recruitment, but in the face of the urgent demands from the Fuehrer I could not maintain that attitude of mine, so that I agreed that some legal form could be given to certain age groups which were to be called up from which all those were to be eliminated who were required in the occupied eastern territories, whereas all the others were to be recruited with the help of their own administrations, that is to say, there own burgomeisters in the occupied territories. There is no doubt, of course, in this connection that so as to give emphasis to these demands of the administration gendarmes were used for the execution of this program.

Q If there was misuse could Koch stop it, and did you have any influence on it?

A It was the duty of the Reich Commissioner to whom the regional government of the Ukraine was subordinated to investigate and to interfere in accordance with the instructions which he had received from me.

Q But why did you go to Sauckel as well? Was it Sauckel's duty to stop this?

A Sauckel, as the deputy of the plenipotentiary for the Four Year Plan had the right to give instructions to mem the ministry for eastern affairs, and over and above that he had the right to bypass me and give instructions to the Reich Commissioner, a privilige which he has used by giving lectures in the district of the Ukraine and eastern territories on several occasions.

Q Was Sauckel responsible for the conditions in the Ukraine?

A Sauckel was not responsible for the execution of these demands, but of course on the basis of the authority given him by the Fuehrer he made his demands so strongly and precisely that the regional governments which were responsible to the general commissioners did feel it their duty to back the published notices for recruitment by a certain amount of executive power, as appears from document

H0111-0134

285-PS, from the general commissioner in Zhitomir, and I think from another report, the number of which I have forgotten, from the district commissioner in Kaunas.

Q Did Sauckel have an organization of his own?

A Well, of course he had a staff, but I can't make a statement on the size of it. He took care that the civil administration had labor offices attached to them, and his demands as far as civil administration in the east was concerned were handed over to the administrative departments for their carrying out. In my opinion and as far as I know he had no very large organization.

Q Before Sauckel came into office, wasn't there a department in your ministry called labor, which had its corresponding departments which were labor offices?

A I can't give you a precise answer to that. I think a main department labor and social police did exist at the very beginning of the ministry, but I can't tell you the exact date at the moment. Perhaps Dr. Beil's statement will contain some details.

Q So you are not in the picture regarding the organization of these worker departments?

A I am informed as far as I have told you, only I can't give you the date for the foundation of that main department in the ministry for eastern affairs.

Q Did labor offices exist which had their head in your ministry for occupied eastern territories?

A Yes, in as far as the social policy did of course cooperate with the civil administration. That is, the Reich Commissioners had continuous contact and correspondence with the labor offices attached to the Reich Commissioners would of course have been going on. A correspondence on a lower level was, of course not going on, but the departments attached to the Reich Commissioners were obviously corresponded with.

H0111-0135

Q In your letters, you are talking about service departments of Sauckel's. What are the departments you mean?

A Well, I mean, first of all, the immediate representative Peukert. Later on, he was to achieve collaboration with that section and he was the formal head of that department working on social policy. He was very rarely at the Ministry for Eastern Affairs since he was being used by Sauckel most of the time and apart from that, he had another few gentlemen who, with my department, were negotiating regarding the reduction of the ---

THE PRESIDENT: Witness Sauckel will give all this information. What is the good of wasting our time putting it to Rosenberg.

DR. SERVATIUS: It is important so as to ascertain responsibility. I wouldn't be able to call on Rosenberg as a witness later. A great number of questions will arise.

THE PRESIDENT: I understand that, of course, but these are all details of Sauckel's administration which Sauckel must know himself.

DR. SERVATIUS: Yes, but I would have no opportunity later on to ask the witness Rosenberg regarding the consequences and the result of the organizations, who is responsible, who has the right to supervise, who had the duty to intervene? Whey are these measures addressed to us, why does he react to them? One can't understand all that, if one can't ask the witness about it first of all. I would suggest that, if possible, Rosenberg should be called later on in connection with Sauckel's case and after Sauckel has spoken, to abbreviate the matter.

THE PRESIDENT: There is no issue with the prosecution about it. If there is no issue with the prosecution, then Sauckel's evidence about it will be quite sufficient.

DR. SERVATIUS: Mr. President, the witness Rosenberg, in a letter addressed to Sauckel, mentioned the fact that his departments were using these letters which had been objected to. Since, in my opinion, such department didn't exist, but since Rosenberg was addressing the wrong person, it must be possible for me to ascertain which service department did in fact exist. It is a complaint raised by Rosenberg regarding the

H0111-0136

conditions and instead of addressing himself to Koch(?) he is addressing himself to Sauckel.

THE PRESIDENT: Ask him some direct question, will you?

BY DR. SERVATIUS:

Q What did Sauckel do upon receiving the letter you addressed to him?

A I didn't receive a letter in reply to it -- nor had he replied to it, but I heard that Sauckel on the occasion of a meeting of labor offices at Weimar, referred to these complaints in detail and that he was making efforts to do his best so as to remove the grounds for the complaints.

Q Didn't that meeting take place a fortnight later; namely, on the 6th of January 1943, and weren't you present, too?

A No, I spoke in one meeting at Weimar; it may be I spoke at one meeting; whether or not at this one, I can't tell you.

Q Did you hear Sauckel's speech on the occasion of that meeting?

A No, I have no recollection of it.

Q Did you get the speech in writing later?

A I can't remember it either.

DR. SERVATIUS: Later on, when Sauckel's case comes up, I shall submit the speech, in document form. I have a number of more questions.

BY DR. SERVATIUS:

Q Did other departments, too, in the occupied territories, concern themselves with recruiting laborers?

A Yes. I have received several reports that the so-called "Todt" organization, for the carrying out of their technical tasks, were recruiting workers and using them and I think the railway administration and several other authorities in the East were making efforts to create for themselves replacements of workers.

Q Isn't it right that the armed forces were demanding workers, that workers were demanded for road construction by industry, home industry, and that there was a general effort to keep the laborers, the workers in the country, too, and not let them go to Germany?

H0111-0137

A That is correct and that is understandable. It is understandable that the armed forces and the organization Todt and various other departments were asking for asmany laborers as possible for the work they were doing and they probably didn't want to give any of their workers up either. That is understandable.

Q Sauckel has repeatedly pointed out that workers must be brought under all circumstances and that all obstacles must be removed. Did that refer to the resistance of the local department which didn't want to give up these workers?

A It certainly referred to these local forces and in a conference which I had with Sauckel in 1943, and which is in evidence as a document which has been mentioned today; reference was made to these documents. Sauckel stated that by order of the Fuehrer he would have to raise a large number of new workers in the East and in this connection, I am thinking of the armed forces most of all, who had been hoarding workers and been active in Germany.

Q Did Sauckel have anything to do with the rounding up of workers in connection with the Germanizing of the East?

A I don't understand that question.

Q What do you understand in connection with Germanizing? In carrying out the resettlements in the East, forces were transferred; they were allotted to Sauckel upon his request.

A First of all I don't know for certain what resettlement you are talking about.

H0111-0138

Q A report has been presented here which was stating that it was concerned with just who were sent into Polish territory; presumable they reached your territory, too. Don't you know about that?

A I can only tell you based on my own knowledge, that this concentration of the Jewish population from Germany, in certain towns and camps in the East, was the responsibility of the Chief of the German Police, who had the same tasks for the occupied Eastern Territories; that in connection with the transfer to camps and concentrations in certain towns, there may have been a possible shortage of labor but I don't know what that can have to do with Germanization.

DR. SERVATIUS: I have no further questions.

THE PRESIDENT: Before we adjourn, I should like to know what the position is about the defendant Frank's documents. Does anybody know anything about that.

MR. DODD: Mr. President, I am able to say that in so far as we are concerned, we have been in consultation with Dr. Seidl for the defendant Frank as well as the representatives of the Soviet prosecuting staff. We are prepared to be heard at any time that the Tribunal would care to hear us on the documents.

THE PRESIDENT: Yes. Then, Dr. Thoma, how many witness have you got and how how long do you think you will be in the defendant Rosenberg's case?

DR. THOMA: I have only one witness, my Lord, the witness Riecke. I believe that as far as I am concerned, I shall deal with him in no more than one hour; probably it won't take as long as that. It will depend on cross examination.

THE PRESIDENT: Very well, Yes; then you may finish the defendant Rosenberg's case tomorrow.

DR. THOMA: It depends upon the cross examination, my Lord.

THE PRESIDENT: Yes, of course. We may. Then, Dr. Seidl, will you be able to go on at once in Frank's case? Supposing we finish Rosenberg tomorrow -- tomorrow being Wednesday, is it not? Will you be able to go on Thursday morning in Frank's case?

MR. SEIDL: Mr. President, I can start with Frank's case as soon as Rosenberg's case is finished. As far as documents are concerned, I only had difficulties regarding one document and I have foregone the presentation of it but apart from that, these are documents which already mostly have been presented by the prosecution.

H0111-0139

THE PRESIDENT: If there is any one document in question, we can hear you upon it now. As I understand you, you only have one document about which there is any difference of opinion.

DR. SEIDL: That has been settled. I no longer want to present it.

THE PRESIDENT: Very well.

DR. SEIDL: There are no differences of opinion.

THE PRESIDENT: Well, then, you are perfectly ready to go on?

DR. SEIDL: Yes.

THE PRESIDENT: Have they been translated yet?

DR. SEIDL: As far as I know, they have all been translated.

THE PRESIDENT: Very well, thank you.

(The Tribunal adjourned until 17 April 1946 at 1000 hours).